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**plan|isphere** [ urban strategy planners ]

L1/160 Johnston Street | Fitzroy | Victoria 3065 | [office@planisphere.com.au](mailto:office@planisphere.com.au) | T 9419 7226 | F 9419 7294

# BAYSIDE GAMING POLICY

## REVIEW AND IMPLEMENTATION REPORT

Prepared by Planisphere in association with Symplan Consulting  
for the Bayside City Council

[ JUNE 2010 ]



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## 1 Introduction

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Planisphere, in association with Symplan Consulting, was engaged by the City of Bayside to undertake a review of the *Bayside Electronic Gaming Machines Policy (2008)*, consult with the community and stakeholders, and prepare a planning scheme amendment for the purpose of including a gaming local planning policy in the *Bayside Planning Scheme*.

## 2 Method

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The review of the *Bayside Electronic Gaming Machines Policy (2008)* and preparation of a revised policy and planning scheme amendment documentation involved the following key tasks:

- Meetings with officers from Bayside City Council's Policy and Planning, Statutory Planning and Urban Strategy Departments to scope the project and understand the background to, and operation of, the 2008 policy.
- Visits to major activity centres and existing gaming venues within the City of Bayside.
- Review of background documents and websites, including the *Bayside Planning Scheme*, gaming legislation; and decisions of the Victorian Civil and Administrative Tribunal, Victorian Commission for Gaming Regulation, and Planning Panels Victoria.
- Public exhibition of the 2008 policy between 13 April and 14 May 2010 and review of submissions received.
- Workshops with stakeholders representing gaming venues, problem gambling support organisations and individual community members.
- Identification and mapping of major activity centres, neighbourhood activity centres, gaming venues, licensed premises and sensitive uses.
- Review of social research and demographic analysis.
- Review of the Bayside Electronic Gaming Machines Policy (2008).
- Preparation of a draft Bayside Gaming Local Policy for inclusion in the Bayside Planning Scheme.
- Preparation of a draft planning scheme amendment.

## 3 Glossary of terms and acronyms

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<b>Business employment area</b>	means land included in the Business 3 and Mixed Use Zones in Sandringham East and Cheltenham as shown on the map to Clause 22.05 of the <i>Bayside Planning Scheme</i> .
<b>Convenience gaming</b>	means exposure to gaming opportunities as part of day-to-day activities such that a decision to gamble may be spontaneous rather than predetermined.

<b>Destination gaming</b>	means a reconfiguration of supply towards fewer, but larger gaming venues that encourage predetermined decisions to travel and gamble and participate in a range of services and facilities. <sup>1</sup>
<b>Gaming</b>	means the playing of a gaming machine. <sup>2</sup>
<b>Gaming machine</b>	includes electronic gaming machines, poker machines or pokies. <sup>2</sup>
<b>Gaming premises</b>	means land used for gambling by gaming, and where there is the ability to receive a monetary reward. <sup>3</sup>
<b>Major activity centres</b>	Bay Street, Brighton Cheltenham Church Street, Brighton Hampton Street, Hampton Moorabbin Sandringham Village
<b>Problem gambling</b>	means gambling in a manner that leads to adverse consequences for the gambler, others or for the community due to the money and/or time spent.
<b>SEIFA index</b>	means a measure of the relative socio-economic disadvantage in terms of a community's access to material and social resources and ability to participate in society. <sup>4</sup>
<b>Strip shopping centre</b>	means an area that meets all of the following requirements: <ul style="list-style-type: none"> <li>– It is zoned for business use.</li> <li>– It consists of at least two separate buildings on at least two separate and adjoining lots.</li> <li>– It is an area in which a significant proportion of the buildings are shops.</li> <li>– It is an area in which a significant proportion of the lots abut a road accessible to the public generally.<sup>5</sup></li> </ul>
<b>VCAT</b>	Victorian Civil and Administrative Tribunal
<b>VCGR</b>	Victorian Commission for Gaming Regulation

<sup>1</sup> Department of Justice (2008) *Destination Gaming. Evaluating the benefits for Victoria*, p1

<sup>2</sup> *Gambling Regulation Act 2003*

<sup>3</sup> *Bayside Planning Scheme*, Clause 74.

<sup>4</sup> ABS Information Paper 2039.0: An introduction to Socio-Economic Indexes for Areas (SEIFA)

<sup>5</sup> *Bayside Planning Scheme*, Clause 52.28-4.

## 4 Legislative and policy context

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### 4.1 Planning legislation

Recent decisions made at VCAT<sup>6&7</sup> and the VCGR<sup>8</sup> have highlighted the important role that community consultation and a gaming machine policy play in evaluating applications for gaming machines at the local government level. Although a gaming machine policy is effective in guiding the decision-making process, it does not carry statutory weight until it is incorporated into the planning scheme.

At present, the following statutory provisions guide decision-making in relation to applications for gaming machines at the local government level (all clause references relate to the *Bayside Planning Scheme*).

#### State Planning Policy Framework

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The goal of the State Planning Policy Framework is to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Clause 11.03 describes the principles of land use and development planning, stating that planning aims to meet the principles by addressing aspects of economic, environmental and social well-being affected by land use and development. It also states that planning is to recognise the need for and contribute towards health and safety, economic viability and accessibility.

Clause 11.03-5 states that planning is to contribute to the economic well-being of communities by supporting and fostering economic growth and development.

Clause 11.03-6 refers to social needs and requires that planning support the development and maintenance of communities with adequate and safe physical and social environments for residents, through the appropriate location of uses and developments.

#### Metropolitan development

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Metropolitan development strategy (Clause 12) encourages the development of a network of activity centres that are a focus for business, shopping, working, leisure and community facilities and maximise choice in services, employment and social interaction. This clause also promotes the reduction of car trips through the concentration of activities in highly accessible locations.

#### Economic development

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Economic development (Clause 17) seeks to encourage developments which meet community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

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<sup>6</sup> *Beretta's Langwarrin v Frankston CC* [2009] VCAT 74

<sup>7</sup> *Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation and Anor* [2009] VCAT 2275

<sup>8</sup> Bright Newbay Hotel Pty Ltd, Decision 1 April 2010

## Gaming

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Gaming (Clause 52.28) provides that a planning permit is required to install or use gaming machines. The purposes of this clause are:

- To ensure that gaming machines are situated in appropriate locations and premises.
- To ensure the social and economic impacts of the location of gaming machines are considered.
- To prohibit gaming machines in specified shopping complexes and strip shopping centres.

One of the decision guidelines is whether or not the premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.

'Gaming premises' is a defined use (refer to glossary) which is nested within the definition of 'retail premises' together with betting agencies. A planning permit is required to use land for a gaming premises in the State-standard business and industrial zones.

## 4.2 Gambling legislation

The purposes of the *Gambling Regulation Act 2003* (the Act) are to:

- promote tourism, employment and economic development in the State;
- foster responsible gambling by minimising harm caused by problem gambling and accommodating those who gamble without harming themselves or others.

The Act provides that the VCGR must not grant approval of an application for gaming premises gaming unless it is satisfied that the net economic and social impact of approval will not be detrimental to the well-being of the community of the municipal district in which the premises is located.

## 4.3 Policy tensions

### Accessibility of gaming venues

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The *State Planning Policy Framework* (Clauses 12 and 17) promotes the establishment of social and leisure facilities in central, accessible locations, including shopping centres and strip shopping centres. The gaming provisions (Clause 52.28), however, prohibit the location of gaming machines in shopping complexes and strip shopping centres. This policy tension is complicated by the requirement in Clause 52.28 that gaming machines are to be co-located with a range of social, leisure and entertainment facilities.

Gaming is considered to be a legitimate and acceptable social, leisure and entertainment activity that takes place within premises that are regulated by both planning and gambling legislation and policy. The planning framework supports accessibility of such premises whereas research into problem gambling has identified a causal link between accessibility of gaming machines and harms associated with them. In Bayside this link has been reinforced through feedback gathered during the stakeholder and community engagement processes.

It is for this reason that a number of recent local government gaming policies support locating gaming machines in venues that are '*accessible but not convenient*'. The use of the word accessible is consistent with sound planning principles in the context of social, leisure and recreational facilities. However, unlike most social, leisure and recreational activities, gaming is directly associated with a range of social, economic and health issues, creating a tension between

the need to provide accessibility to those who gamble responsibly and restrict accessibility to those who are vulnerable to problem gambling.

## Benefit and detriment tests

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Decisions made under the gambling legislation are based on the principle that there should be no social or economic *detriment*, whereas decisions made under the planning legislation are based on the principle that the proposal should result in *net community benefit*.

This creates potential inconsistencies in the way social and economic impact assessments are prepared, presented and defended at VCAT and the VCGR respectively.

## Co-location with social, leisure and entertainment facilities

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Research into problem gambling has identified two key risk factors, namely accessibility and social isolation. The decision guideline in the planning framework that promotes co-location of gaming machines with a range of social, leisure and entertainment facilities is based on the principle that patrons who are socially isolated, and therefore vulnerable to problem gambling, may opt for non-gambling social activities and facilities if they are provided.

However, feedback from the community and stakeholders consultation undertaken as part of this project indicated that existing and potential problem gamblers seek opportunities to attend public places such as gaming venues where they are able to participate in activities in a public place without necessarily socialising, i.e. they seek opportunities to address their loneliness yet remain alone.

Additional feedback indicated that some gamblers who developed gambling problems originally attended venues with gaming machines for social reasons and then returned to the venue alone in order to use the machines. This suggests that the availability of non-gambling opportunities within a venue may not necessarily prevent problem gambling or support those who have developed gambling problems.

## 'Destination' and 'convenience' gaming

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A recent draft Productivity Commission report into gambling<sup>9</sup> has confirmed the link between accessibility of gaming machines and gambling harms that led to the introduction of the regional caps on gaming policy. However, the report concluded that the link remains controversial and difficult to assess, and that other harm minimisation measures such as a pre-commitment scheme are more likely to be effective in addressing problem gambling. The report found further that, had there been full knowledge at the time about the harmful effects of substantially increasing accessibility to gaming machines in the 1990s, a destination rather than community-wide gambling model may have been seen as appropriate.

The two key differences between 'destination' and 'convenience' gaming venues have traditionally been understood to be their accessibility and the range of non-gambling facilities available within the venue. Destination venues have been preferred over convenience venues due to the belief that they reduce accessibility and offer gamblers opportunities to participate in a broader range of non-gambling activities.

Destination gambling has been defined as a reconfiguration of supply towards fewer, but larger gaming venues that encourage predetermined decisions to travel and gamble, and offer a range of services and facilities. This concept is based on the precept that people are likely to consider an outing to a destination venue as an event, rather than part of their day to day activities. This definition suggests that destination gaming is not about particular facilities, activities or venues characteristics but rather about a predetermined decision to travel and participate in gaming

<sup>9</sup> Productivity Commission (2009) *Gambling*, Draft Report, Canberra, October p10.1

machine gambling. A destination venue may therefore be located in both a specific tourist location and a more suburban environment.

It is acknowledged in this definition that the creation of a destination gambling environment may not necessarily result in a change to the net supply of gaming opportunities and may not necessarily affect the behaviour of existing problem gamblers. The destination gambling concept is therefore a harm minimisation measure that addresses environmental contributors to problem gambling.

Recent research by the Department of Justice<sup>10</sup> into the merits of destination gaming evaluated the effectiveness of destination gambling as a harm minimisation measure and provided greater insight into the concept of destination gambling. The evaluation found that it is not possible to determine the precise impact of destination gaming on problem gambling, and destination gambling may in fact potentially increase problem gambling harm in the short to medium term. The report concluded, however, that if there were to be any impact, the impact is likely to be limited and long term due to the fact that problem gamblers are unlikely to be sensitive to changes in accessibility.

A recent Planning Panels Victoria report<sup>11</sup> has concluded that a destination gambling model may not necessarily be the most appropriate way to manage gambling problems. This suggests that there should be a shift away from a preference for destination gambling venues. The decision guidelines should, rather, support an evaluation of each application in terms of whether or not it is likely to promote predetermined decisions to gamble and whether the design of the premises will facilitate the implementation of harm minimisation measures supported by the State government.

Finally, the concept of 'convenience gaming' has not been conclusively defined in the literature. In a policy sense the phrase serves as an antonym to 'destination gaming'. On this basis, the following definition has been developed: '*exposure to gaming opportunities as part of day-to-day activities such that a decision to gamble may be spontaneous rather than predetermined.*'

## 5

# Indicators and determinants of problem gambling

## 5.1 Literature review

A primary objective of the *Bayside Electronic Gaming Machines Policy 2008* is to minimise harms associated with gaming. In order to evaluate the policy, and identify appropriate principles for any revisions to it, a detailed literature review was undertaken in relation to social, economic and environmental risk factors, or determinants, of problem gaming.

[Figure 5A](#) provides an overview of the literature review findings. The table identifies risk factors and indicators and the evidence base associated with each. Risk factors have been classified into two categories: personal and community; and venue characteristics and accessibility.

The purpose of understanding the risk factors is to identify whether and how local government planning policy can assist in reducing risk to people and communities vulnerable to problem gambling. The primary harm minimisation tools available to local government relate to venue location; and the availability of other activities at the venue and in the local area.

Other detailed venue design and operational harm minimisation measures, such as spin rates, internal advertising restrictions, and self-exclusion programs, are beyond the scope of local government planning powers. The table identifies whether particular risk factors are capable of being addressed by planning policy.

<sup>10</sup> State Government of Victoria (2008) *Destination Gaming. Evaluating the benefits for Victoria*

<sup>11</sup> Yarra Ranges Planning Scheme Amendment C77 Gaming Policy: Panel Report (2010)

Figure 5A – Risk factors and indicators of problem gambling

RISK FACTOR & INDICATORS	EVIDENCE BASE
<b>PERSONAL AND COMMUNITY FACTORS</b>	
<b>Age</b> <i>Proportion of 18-24 year olds</i> <i>Proportion of 35-60 year olds</i>	<p>Many adult problem gamblers reported having developed gambling problems during their teenage years.<sup>12</sup></p> <p>Problem gambling appears to coincide with other high risk behaviours and poorer psychosocial functioning.<sup>13</sup></p> <p>A significantly higher proportion of moderate risk gamblers are in the 18-24 year age group. The highest proportion of problem gamblers falls into the 35-49 and 50-60 year old age groups. These data suggest that participation in gambling amongst young people is associated with the development of gambling problems in adults aged 35-60.<sup>14</sup></p> <p>People 65+ are more likely to be either non-problem or low risk gamblers.<sup>15</sup></p> <p><u>Policy implications:</u> Discourage the siting of gaming venues in close proximity to venues frequented by young people, such as schools.</p>
<b>Gender</b> <i>Male to female ratio</i>	<p>Higher proportions of females are likely to be non-problem gamblers.<sup>16</sup></p> <p>However, anecdotal evidence suggests that women are susceptible to problem gambling.</p> <p>Participation rates for males and females are similar although males tend to be more likely to gamble on a wider range of activities (sports, racing, casino table games, keno) and experience gambling related problems.<sup>17</sup></p> <p>Females are more reluctant to gamble on activities that require knowledge not previously obtained during adolescence such as rules of card games and race betting. They are also more likely to gamble to escape problems and for relaxation whereas men are more focused on finding strategies to win money.<sup>18</sup></p> <p>Women tend to experience problems almost exclusively with gaming machine gambling whereas men who are experiencing problem gambling are likely to be participating in a range of different gaming activities.<sup>19</sup></p> <p>Female problem gamblers are likely to have had their first gambling experience over 25, and male problem gamblers are likely to have had their first experience of gambling under the age of 24, including under 18.<sup>20</sup></p> <p><u>Policy implications:</u> Discourage the siting of venues in locations that would facilitate 'convenience' gaming.</p>
<b>Marital status</b> <i>One parent families</i> <i>Married/living with partner</i>	<p>Couple families with children are likely to spend more on gambling products that can be consumed at home such as lottery tickets and lotto type games, and instant lotteries.<sup>21</sup> This could be due to generational and traditional patterns of gambling.</p> <p><u>Policy implications:</u> Discourage the siting of venues in locations that would facilitate 'convenience' gaming.</p>

<sup>12</sup> State Government of Victoria (2008) *A review of Australian Gambling Research* Commissioned by Gambling Research Australia for the Ministerial Council on Gambling p61.

<sup>13</sup> Dickson, L; Derevensky, J and Gupta, R (2008) "Youth Gambling Problems: Examining Risk and Protective Factors" *International Gambling Studies* Vol. 8, No. 1, pp25-47

<sup>14</sup> *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice Fact Sheet 6]

<sup>15</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice Fact Sheet 6

<sup>16</sup> A study of gambling in Victoria. Problem Gambling From a Public Health Perspective Department of Justice Fact Sheet 6]

<sup>17</sup> State Government of Victoria (2008) *A review of Australian Gambling Research* Commissioned by Gambling Research Australia for the Ministerial Council on Gambling p5

<sup>18</sup> State Government of Victoria (2008) *A review of Australian Gambling Research* Commissioned by Gambling Research Australia for the Ministerial Council on Gambling p6

<sup>19</sup> State Government of Victoria (2008) *A review of Australian Gambling Research* Commissioned by Gambling Research Australia for the Ministerial Council on Gambling p6

<sup>20</sup> Centre for Gambling Research (2004) *2003 Victorian Longitudinal Community Attitudes Survey GRP Report No.6* Australian National University p115

<sup>21</sup> Worthington, A., Brown, K., Crawford, M., and Pickernell, D., (2003) *Socioeconomic And Demographic Determinants Of Household Gambling In Australia* School of Economics and Finance, Queensland University of Technology, Discussion Paper and Working Paper Series, No. 156 p10

RISK FACTOR & INDICATORS	EVIDENCE BASE
<b>Household structure</b> <i>Lone person households</i> <i>Group households</i>	<p>Lone person households and single parent households are associated with a high prevalence of problem gambling.<sup>22</sup></p> <p>Refer to 'community strength' risk factors below.</p> <p><u>Policy implications:</u> This risk factor cannot be addressed through planning policy.</p>
<b>Housing security</b> <i>Rented accommodation</i> <i>Public housing</i> <i>Rental stress</i> <i>Mortgage stress</i>	<p>Traditionally people with a low socio-economic status are more likely to reside in rented accommodation and public housing. Low socio-economic status is a key determinant of some problem gambling.<sup>23</sup></p> <p><u>Policy implications:</u> Discourage the siting of gaming venues in locations that are readily accessible from disadvantaged areas.</p>
<b>Ethnicity and culture</b> <i>Indigenous population</i> <i>CALD communities</i> <i>People born in non-English speaking countries</i> <i>Proficiency in English</i>	<p>Although there is little research into the prevalence of problem gambling amongst Indigenous and culturally and linguistically diverse (CALD) populations, some research has found that both of these communities are negatively affected by gambling and that many gamblers are reluctant to seek help because of shame, social stigma and lack of appropriate services.<sup>24</sup></p> <p>Whereas 0.7% of the Victorian adult population are recognised as problem gamblers, 3.76% of the Indigenous community are recognised as problem gamblers.<sup>25</sup></p> <p><u>Policy implications:</u> This risk factor cannot be addressed through planning policy.</p>
<b>Community strength</b> <i>Transport limitations</i> <i>Limited access to internet at home</i> <i>Limited participation in arts and cultural activities</i> <i>Low participation in citizen engagement</i> <i>Difficulty in getting help from friends</i> <i>Helped out as a volunteer</i>	<p>Research indicates that reasons people started gambling were entertainment (39.83%), social reasons (31.38%) and to win money (16.39%).<sup>26</sup></p> <p>Activities that helped reduce gambling included having more leisure interests, having a wider social network, having more money, finding a relationship partner and information on the odds of winning in gambling.<sup>27</sup></p> <p><u>Policy implications:</u> Ensure that gaming machines are located in venues and locations that offer a range of non-gaming social activities.</p> <p>Discourage the siting of gaming venues in locations that are readily accessible from disadvantaged areas.</p> <p>Ensure that applications for gaming venues and machines achieve a net community benefit by supporting social or recreation programs in the local community.</p>

<sup>22</sup> Worthington, A; Brown, K; Crawford, M; and Pickernell, D (undated) Socio-Economic and Demographic Determinants of Household Gambling in Australia p6

<sup>23</sup> Low SEIFA score is a criterion for the determination of regional caps on gaming.

<sup>24</sup> State Government of Victoria (2008) *A review of Australian Gambling Research* Commissioned by Gambling Research Australia for the Ministerial Council on Gambling p6

<sup>25</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice Fact Sheet 6.

<sup>26</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p20.

<sup>27</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p20.

RISK FACTOR & INDICATORS	EVIDENCE BASE
<p><b>Health and wellbeing status</b>  <i>Disability</i>  <i>High birth rate (per 1000) of 15-19 year olds</i>  <i>Food insecurity</i>  <i>Low attendance at 2 year old key visit with Maternal and Child Health nurse</i></p>	<p>There is a correlation between relatively poor health status, suicide, criminal activity and risky and problem gambling. Problem gamblers, compared to non-problem gamblers had significantly higher rates of diabetes, lung conditions, depression, anxiety disorders, obesity and miscellaneous physical or mental health conditions<sup>28</sup> such as OCD, personality and antisocial behaviour disorders.<sup>29</sup></p> <p>There is also a correlation between experience of life events affecting an individual's physical or mental health and wellbeing and problem gambling. Such experiences include death of someone close, divorce, legal difficulties, major injury or illness to either themselves or someone close to them, troubles with their work, boss or superiors, major change to financial situation, arguments with someone close to them.<sup>30</sup></p> <p><u>Policy implications:</u> This risk factor cannot be addressed through planning policy.</p>
<p><b>Lifestyle behaviours</b>  <i>Alcohol abuse</i>  <i>Substance abuse</i></p>	<p>There is generally a strong correlation between smoking and risk status for problem gamblers<sup>31</sup> with up to 60% of problem gamblers smoking regularly.<sup>32&amp;33</sup> In addition, problem gamblers and at risk gamblers are more likely to consume on average a significantly higher number of drinks per week and are consequently more likely to display signs of moderate to high clinical alcohol abuse<sup>34</sup> and drug abuse.<sup>35</sup></p> <p>Adults who live in smoking households are 13% more likely to gamble than those in non-smoking households, and young men with gambling problems smoked more than those without gambling problems.<sup>36</sup></p> <p><u>Policy implications:</u> This risk factor cannot be addressed through planning policy.</p>
<p><b>Relative disadvantage</b>  <i>SEIFA score</i></p>	<p>Clubs and pubs usually predated introduction of gaming machines – these were traditionally clustered in 'working' areas<sup>37</sup> and in close proximity to residential areas.</p> <p>There is a direct correlation between socio-economic status and EGM density.<sup>38</sup></p> <p><u>Policy implications:</u> Discourage the siting of gaming venues in locations that are readily accessible from disadvantaged areas.</p>
<p><b>Income</b>  <i>Individual income</i>  <i>Household income</i>  <i>Source of income (investments)</i></p>	<p>There is a correlation between the prevalence of moderate risk gamblers and problem gamblers and low incomes.<sup>39</sup></p> <p><u>Policy implications:</u> Discourage the siting of gaming venues in locations that are readily accessible from disadvantaged areas.</p>

<sup>28</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p18

<sup>29</sup> Johansson, A., Grant, J., Kim, S., Odlaug, B., Gotestam, K. (2009) "Risk Factors for Problematic Gambling: A Critical Literature Review" *Journal of Gambling Studies* Vol, 25, No 1, March 2009 p78

<sup>30</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p18

<sup>31</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice Fact Sheet 10.

<sup>32</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p17

<sup>33</sup> State Government of Victoria (2008) *A review of Australian Gambling Research* Commissioned by Gambling Research Australia for the Ministerial Council on Gambling p6

<sup>34</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p17

<sup>35</sup> Australasian Gaming Council (2009) *A Database on Australia's Gambling Industry 2008/09.*

<sup>36</sup> State Government of Victoria (2005) *Evaluation of Electronic Gaming Machine Harm Minimisation Measures in Victoria* Executive Summary p4

<sup>37</sup> State Government of Victoria (2008) *A review of Australian Gambling Research* Commissioned by Gambling Research Australia for the Ministerial Council on Gambling p173

<sup>38</sup> Department of Justice Office of Gaming and Racing (2005) *Regional Electronic Gaming Machine Caps Review Panel Final Report November 2005* p15

<sup>39</sup> *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice Fact Sheet 6.

RISK FACTOR & INDICATORS	EVIDENCE BASE
<b>Employment status</b> <i>Part-time</i> <i>Casual</i> <i>Youth disengagement</i>	<p>There is a correlation between those not engaged in full time employment and problem gambling.<sup>40</sup></p> <p><u>Policy implications:</u> Discourage the siting of gaming venues in locations that are readily accessible from disadvantaged areas.</p>
<b>Occupation</b> <i>Sales workers</i> <i>Machinery operators or drivers</i> <i>Labourers</i> <i>Community service workers</i>	<p>There is a significantly higher proportion of problem gamblers who are sales workers, machinery operators/drivers and labourers.<sup>41</sup></p> <p><u>Policy implications:</u> This risk factor cannot be addressed through planning policy</p>
<b>Educational attainment</b> <i>Year 10 highest level of education attained</i> <i>Year 12 or Trade highest level of education attained</i>	<p>There is a correlation between low educational attainment and problem gambling.<sup>42</sup></p> <p><u>Policy implications:</u> This risk factor cannot be addressed through planning policy</p>
<b>Criminal records</b> <i>Crimes against the person per 100,000 population</i> <i>Crimes against the population per 100,000 population</i> <i>Perception of safety at night</i>	<p>Crime as an indicator is likely to underestimate prevalence because of concealment and because the cause of many crimes is not consistently listed in court records. However, current data suggest that the rate of problem gambling is approximately 10 times higher in correctional populations compared with the general population.<sup>43</sup> Other evidence<sup>44</sup> supports the findings that there is a correlation between criminal activity and problem gambling.</p> <p><u>Policy implications:</u> This risk factor cannot be addressed through planning policy</p>
<b>Relative mobility</b> <i>Car ownership</i> <i>Train travel</i>	<p>The majority (90%) of residents in metropolitan Melbourne and more than half (55%) of residents in non-metropolitan areas live within 2.5km of a club or hotel with gaming machines<sup>45</sup>.</p> <p>All segments of people with gambling problems are significantly more likely to use multiple venues to gamble than they are to use single venues. People with gambling problems are more likely to use multiple venues than people who do not have gambling problems. The propensity to use multiple gambling venues increases with the risk of problem gambling.<sup>46</sup></p> <p>The percentage of gamblers using gaming machines less than 5km from the venue where they last played machines has dropped from nearly 60%<sup>47</sup> to 53.7%<sup>48</sup>, suggesting that people are becoming more willing to travel further distances.</p> <p><u>Policy implications:</u> Discourage the siting of venues in locations that would facilitate 'convenience' gaming.</p> <p>Discourage the clustering of gaming venues.</p> <p>Manage the density of gaming machines in each suburb.</p>

<sup>40</sup> A study of gambling in Victoria. Problem Gambling From a Public Health Perspective Department of Justice Fact Sheet 6.

<sup>41</sup> A study of gambling in Victoria. Problem Gambling From a Public Health Perspective Department of Justice Fact Sheet 6.

<sup>42</sup> A study of gambling in Victoria. Problem Gambling From a Public Health Perspective Department of Justice Fact Sheet 6]

<sup>43</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p18

<sup>44</sup> Johansson, A., Grant, J., Kim, S., Odlaug, B., Gotestam, K. (2009) "Risk Factors for Problematic Gambling: A Critical Literature Review" *Journal of Gambling Studies* Vol, 25, No 1, March 2009 p78.

<sup>45</sup> Centre for Gambling Research Australian National University (2009) 2003 Victorian Longitudinal Community Attitudes Survey GRP Report No. 6 p82.

<sup>46</sup> Centre for Gambling Research Australian National University (2009) 2003 Victorian Longitudinal Community Attitudes Survey GRP Report No. 6 p82.

RISK FACTOR & INDICATORS	EVIDENCE BASE
<b>VENUE FACTORS</b>	
<b>Gaming machine density and utilisation</b> <i>Density of gaming machines per adult</i> <i>Density of venues per adult</i> <i>Location of venue</i> <i>Number of machines</i> <i>Location in relation to places of work and residences</i> <i>Utilisation rate per machine</i>	<p>Evidence cited in a number of research studies<sup>49</sup> demonstrates a direct link between the number or density of gaming venues per km<sup>2</sup>, the density of gaming machines in local government areas and the level of gaming expenditure per adult and problem gambling. Other evidence demonstrates that people who live closer to their venue are likely to spend more on gambling and that overall trends indicate that most people do not travel very far to access venues.<sup>50</sup></p> <p>Feedback from the community reflects research that most patrons originate within 5km from the gaming machine gambling venue.<sup>51</sup></p> <p>It is important to note that addressing one aspect of accessibility in isolation is unlikely to have as great an impact on problem gambling as simultaneously addressing a combination of accessibility factors.<sup>52</sup></p> <p><b>Policy implications:</b> Discourage the siting of venues in locations that would facilitate 'convenience' gaming.</p> <p>Discourage the siting of gaming venues in locations that are readily accessible from disadvantaged areas.</p> <p>Discourage the clustering of gaming venues.</p> <p>Manage the density of gaming machines in each suburb.</p>
<b>Venue type</b> <i>Club vs hotel</i> <i>Destination vs convenience</i> <i>Availability of non-gambling social, leisure and recreation opportunities</i>	<p>Destination gaming has traditionally been understood to reduce problem gambling as it is associated with a smaller number of venues. However, recent research has found that the impact of destination gaming on problem gambling is likely to be limited. This is probably be due to the fact that there are a number of other non-physical determinants of problem gambling that influence individual and community vulnerability.<sup>53</sup> Recent policy frameworks therefore are focussing more on restricting accessibility to electronic gaming machines than they are on promoting destination gaming<sup>54</sup>.</p> <p><b>Policy implications:</b> Discourage the siting of venues in locations that would facilitate 'convenience' gaming.</p>

## 6 Consultation

### 6.1 Consultation process

The consultation process involved three focus groups, inviting submissions on the existing policy through Council's website, and telephone interviews with the principals of post-primary schools within close proximity to existing and proposed gaming venues in Bayside.

Three focus groups were held in April 2010 to which a range of stakeholder interest and resident groups were invited.

<sup>47</sup> Department of Justice Office of Gaming and Racing (2005) *Regional Electronic Gaming Machine Caps Review Panel Final Report November 2005* p18

<sup>48</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p15

<sup>49</sup> Department of Justice Office of Gaming and Racing (2005) *Regional Electronic Gaming Machine Caps Review Panel Final Report November 2005* p18

<sup>50</sup> State Government of Victoria (2009) *A study of gambling in Victoria. Problem Gambling From a Public Health Perspective* Department of Justice p15

<sup>51</sup> Focus group discussions undertaken as part of this review.

<sup>52</sup> Department of Justice Office of Gaming and Racing (2005) *Regional Electronic Gaming Machine Caps Review Panel Final Report November 2005* p20

<sup>53</sup> State Government of Victoria (2008) *Destination Gaming. Evaluating the benefits for Victoria* Department of Justice pV

<sup>54</sup> Yarra Ranges C77 Panel Report

A total of 15 people attended the focus groups, representing Hampton Bowls Club, Beaumaris RSL, Victoria Police, Gambler's Help Southern, church based support services (Hampton Baptist Church, Sandringham Baptist Church, St Stephen's Anglican Church, Sandringham Inter-church Council), Bayside Police and Bentleigh Bayside Community Health.

In addition, the *Bayside Electronic Gaming Machines Policy (2008)* was placed on exhibition, inviting the community to make submissions in relation to this policy and other topics including:

- Issues regarding electronic gaming machines affecting individuals and the broader community in Bayside
- Suggestions on reducing negative impacts such as problem gambling
- Preferred locations for gaming premises.

Copies of the policy were available on Council's website, at the Corporate Centre and at the four libraries within Bayside.

A total of 18 submissions were received from individuals and organisations representing themselves, gambling welfare organisations, and venue operators. Some of the individual submitters were gamblers or had social connections with a gambler.

The following sections outline the anecdotal evidence obtained during the consultation phase of the project.

## 6.2 Consultation findings

### Focus groups

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This section summarises the points raised during the focus group discussions held with key stakeholders and the community.

### Issues and challenges

The following issues and challenges were identified:

- It is often difficult to retrofit harm minimisation measures to older and existing venues.
- The current VCGR assessment model uses disadvantage and gaming machine density as primary criteria. The relatively low levels of disadvantage and relatively low gaming machine density in Bayside make it difficult to argue against additional machines in the municipality. Therefore community values and opposition are important factors in assessing any application.
- Gaming venues have an inherent conflict of interest as reducing expenditure and losses associated with problem gambling affects revenue.

### Drivers of change

The participants identified the following drivers of change are likely to influence the demand for, and supply of gaming machines in Bayside.

- Supply and demand  
The post 2012 licensing arrangements may encourage some existing and potential venues to 'invest' in gaming machine licenses prior to the competitive bidding process. This new arrangement is likely to make it harder for clubs and small operators to compete.  
There is relatively low demand for gaming machines within the Bayside community as there is greater interest in investments in the stock and property markets, and the 'novelty' has worn off since their introduction in the 1990s.

At present there is little competition between venues due to their geographic spread throughout the municipality. However, competition may increase if there were to be greater concentrations of venues.

Land values and economic viability of some gaming machine venues in Bayside have resulted in the redevelopment of some venues for residential purposes and the merger of existing venues such as the Brighton and Dendy Bowls Clubs.

Hotels are generally more profitable and it is therefore likely that any latent demand for gaming machines would be satisfied by hotels rather than clubs.

Younger club members appear to participate less in gaming machine gambling than older club members.

Densification of Bayside means that some households have less access to private open space and this increases the demand for publicly available social, leisure and recreation facilities.

- Expenditure

Smoking bans have reduced real expenditure on gaming machine gambling.<sup>55</sup>

Introduction of pre-commitment measures, maximum spend on each gaming machine and removal of ATMs may reduce expenditure in the future.

## Problem gambling

### Prevalence of problem gambling

The feedback gathered during the focus group discussions indicated that there is the perception within the gambling industry that Bayside is not profitable due to its high socio-economic status. As a result, there may be relatively low demand for gaming machines and restricted growth. However, there are pockets of disadvantage within Bayside, and evidence of problem gambling across the socio-economic spectrum.

It is difficult to determine the extent of problem gambling because only 5%-10% of problem gamblers present for help and people who present for different health issues may not disclose a gambling problem. There is therefore a big difference between presentation and prevalence of problem gambling.

Furthermore, health care workers do not screen for gambling problems and people in higher socio-economic sectors of the community are often able to disguise their gambling problems.

### Vulnerability to problem gambling

Focus group participants identified the following factors that contribute to an individual's relative vulnerability to problem gambling:

- Problem gamblers prefer to gamble where they are not visible. They will seek to play on machines that are not visible or that are hidden in a corner.
- Problems of social isolation and not having family support contribute toward problem gambling.
- Problem gamblers prefer to be alone. Availability of alternative social and leisure opportunities may therefore not prevent or alleviate problem gamblers. In addition, the presence of social and leisure facilities in gambling venues may be counterproductive as potential problem gamblers may in fact be attracted to these venues in the first place due to the availability of social and leisure facilities.
- Initially patrons tend to be introduced to gaming machine gambling through socialising with their friends or family. They may then return in order to chase losses, escape from boredom or seek excitement.

<sup>55</sup> See also Productivity Commission (2009), p. 2.19.

- Sectors of the community most likely to participate in gaming machine gambling are generally 60+, women and pensioners.

#### Harms specifically associated with gaming machine gambling

The following harms associated with gaming machine gambling were identified:

- Stigma.
- Loss of personal and family assets (cars, property, savings).

#### Benefits of gaming machines

The following benefits of gaming machines were identified:

- Revenue from gaming machines supports social and recreational activities which often run at a loss.
- Venues without gaming machines may find it easier to be successful when applying for grants due to the fact that they do not have alternative sources of revenue and do not provide an activity that is associated with harms.
- Employment.

### **Policy framework**

The focus groups discussed a potential policy position and principles.

#### Policy position

- Strengthen community focus of venues and financial benefits derived by local community.
- Acknowledge legitimacy of legal gambling and the gambling industry but demonstrate an understanding of the benefits and negative impacts of gaming machine gambling. Further acknowledge that gaming machine gambling is only one source of problem gambling and refer to others such as online gambling.
- Promote stakeholder and community engagement.
- Key criteria for policy should be the overall wellbeing of the community.<sup>56</sup>
- Use the definition of problem gambling adopted by State Government i.e. difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others or for the community.

#### Policy principles

- Gaming venues should be located further than 5km from vulnerable communities (low SES).
- 'Make them less local'.
- Clustering of venues may disadvantage those in close proximity to the cluster and would not suit clubs – would reduce convenience gambling but may not discourage existing problem gamblers.
- Limit exposure to passing traffic and trade e.g. a residential area.
- Minimise opportunities for isolation and seclusion within venues.
- Increase number of social activities such as ladies groups, sports and recreation, childcare.
- Separate gaming machine activities from others.

<sup>56</sup> This criterion was identified by Gambler's Help Southern and was referenced back to Productivity Commission (2009) *Gambling*, Draft Report, Canberra, October p3.1

## Harm minimisation measures

The following harm minimisation measures were mentioned:

- Some venue operators and staff are skilled at identifying problem gambling and take measures such as attempting to divert the gambler to different activities, encouraging them to participate in the other activities or seek help.
- Encourage familiarity with patrons.
- Advocate for venue operators to implement a self-referral system through existing support agencies and self-exclusion program.

## Features of a good policy

- Integrate with themes/objectives/strategies in Municipal Health and Wellbeing Plan, Primary Care Partnership documents, Planning Scheme, Council Plan.
- Focus on prevention.
- Be regularly reviewed and amenable to modification as updated information emerges or the situation demands.
- Express a clear position/goal and rationale.
- Set out the steps by which Council will support the stated position and achieve the goal.
- Take account of the continuum of gambling participation and the potential for harm at any level of participation i.e. low risk does not mean no risk.
- Addresses the pathways to problem gambling.
- Principles to cover both consumer protection and the potential determinants of problem gambling.
- Facilitate robust stakeholder and community engagement.
- Address both the social and economic impacts of problem gambling.
- Focus on addressing relationship between accessibility (opening hours, conditions of entry, ease of use, initial outlay, social accessibility, location of venues, number of opportunities to gamble in the community and in the venue, number of venues) and problem gambling.

## General

- Gaming machine gambling, unlike bingo or Club Keno is less social and therefore more closely associated with problem gambling.
- Venues that have a comfortable environment and attractive decor are generally well patronised, and also attract new members.
- Redirect revenue back into the community from which it originated.
- Advocate for sponsorship of community facilities such as a community bus, subsidised meals, live bands, provision of emergency services and medical equipment.

## Submissions

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Eighteen submissions were received in response to the public exhibition of the *Bayside Electronic Gaming Machines Policy (2008)*. The following is an overview of the key comments raised in the submissions.

## Opposition to additional gaming machines in Bayside

- There are multiple gaming venues and other gambling opportunities that are already available in the area.
- More poker machines are not needed. They will cause economic and social damage and increase the level of problem gambling.
- Mismanagement of hotel businesses should not justify the installation of new gaming machines.
- Community contributions from gaming venues do not adequately address the harm caused by gaming.
- Council and other levels of government should provide better funding for sporting and community activities so that they do not need to rely on gaming for revenue.
- Use of gaming machines is a mindless activity that should be discouraged.
- Gaming is acceptable at a few specific destinations like the casino but not on every street corner.
- Gambling problems are not confined to disadvantaged/underprivileged people.
- There is no difference between pubs and clubs in relation to their management of problem gamblers.
- Older people, especially women, seem to be more attracted to gaming.
- Loneliness and the comfortable environment offered by gaming venues attract people.
- There should be no (or very strong controls on) gaming machines in Bayside.
- There are 1,100 disadvantaged families who live in Bayside.
- The 280 poker machines in Bayside took \$19M in revenue during 2008/09.
- About 5% of adults play weekly or more often; 15% of these are problem gamblers, whose total spending is around 40%; a further 15% are at moderate risk.
- The social costs are so great that even a policy of modest efficacy will be worthwhile.
- In light of the Romsey Hotel decision, it would be valuable for Council to investigate the impact of gaming machines on the wellbeing of the community.

## Support for additional gaming machines in Bayside

- Council should support new venues to provide competition to the existing venues.
- It is better to have hotels supporting sporting clubs than have young people roaming the streets.
- Gambling is a matter of individual choice.
- Having a gaming venue in walking distance provides a safe, convenient social opportunity.

## Policy comments and suggestions

- Venues should be difficult to access and located away from residential areas.
- The number of venues should be reduced.
- The machines should be changed to allow for more lines to be played simultaneously and to reduce the amount paid per spin.
- There should be more social, recreational and other programs for retirees as an alternative to gaming.
- Paragraphs should be numbered for clarity.

- Use of the acronym 'gaming machine' disguises the subject matter.
- Use of the word 'recreation' is misleading, 'entertainment' is more appropriate.
- Use of the word 'legitimate' is value-laden, prefer the word 'legal'.
- Other value-laden statements should be removed.
- Applicants should be required to explain the details of the steps they have taken to engage with the community and stakeholders.
- Reports to Council about gaming machines should outline the steps taken by Council to engage with community and stakeholders.
- Council should not allow gaming machines to be installed on land it owns and controls.
- Children should not be exposed to the sights and sounds of gaming machines within venues.
- Productivity Commission recommendations should be adopted, i.e. maximum \$1 bet, introduction of pre-commitment systems, machines should take maximum \$50 notes.
- The policy should apply the '*no net detriment*' test of the VCGR, rather than the '*net community benefit*' test under the planning system.
- Responsible gaming initiatives should be required as part of any application.
- The method of determining community attitudes and the weight to be attached to them should be explained.
- Objections raised by commercial competitors should not be considered.
- Language should be clear and precise.
- The policy should acknowledge the appropriateness of gaming venues around activity centres.
- The current policy:
  - Is not set in the context of any research or policy for the provision of responsible gaming.
  - Fails to acknowledge the benefits arising from gaming machines.
  - Is worded to refuse applications rather than facilitate a balanced assessment.
  - Should acknowledge established principles of VCAT and VCGR.
  - Fails to acknowledge the low levels of expenditure in Bayside.
  - Fails to acknowledge that issues related to problem gambling are accentuated in lower socio-economic areas.
  - Overstates the pockets of disadvantage in Bayside.
  - Does not substantiate why it discourages gaming machines in close proximity to particular facilities.
  - Does not substantiate why it seeks to discourage gaming premises in business and industrial zones.

## Telephone interviews

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During May and June 2010, Council officers canvassed six post primary schools within close proximity of existing and proposed venues in Bayside. Of these, Brighton Grammar and Firkbank Grammar, were available to participate in the interviews within the specified time period.

## Access to gaming machines

The following issues associated with access to electronic gaming machines for the general community and young people were identified:

- Exposure to electronic gaming machines can lead to the development of bad habits among young people.
- Development of gambling problems could spread to other areas of addiction.
- Concern with inability to guarantee that greater access to electronic gaming machines would not lead to problem gambling.
- Impact of problem gambling on families and communities include exacerbation of compulsive and excessive behaviours, impacts on social and economic fabric of family, conflict, violence, family breakdowns, family disharmony, concealment of gambling problems.
- People with particular problems find it easy to pursue an activity if there is easy access.
- Potential to lead to impulse gambling that is not associated with a careful decision to participate in gambling.
- Exposure of young people to other activities associated with gambling such as alcohol consumption.

### Harm reduction

Mechanisms to reduce harms associated with access to electronic gaming machines discussed were:

- Council's role should be to restrict location of electronic gaming machine venues.
- Venues should be kept away from particular areas where young people go, such as shopping centres, sporting venues, railway stations.
- Control over signage and avoidance of 'bright lights' and Las Vegas approach.
- Restrict numbers of venues and machines as far as possible.
- Council's role is to scrutinise applications carefully in relation to where the venue is to be placed, what is around the proposed venue and what is adjacent to the proposed venue.
- Maximise distances from places where people casually 'pop in' e.g. supermarket.
- Avoid 'hot spots' of venues that are profitable because of where they are located.
- Restrict operating hours.
- Locate a minimum distance of 1km from schools.
- There is generally a lack of awareness of potential to develop gambling problems.
- Minimise accessibility to make venues difficult to get to.

### Risk factors that determine problem gambling

Both interviewees indicated that they do not have the necessary knowledge to comment on specific risk factors. However, they identified the following factors that are likely to determine whether or not a young person may be vulnerable to problem gambling:

- Disenfranchised.
- Unemployed.
- Depressed and seeking short term relief.
- Perception that gambling is a solution to financial problems.
- Introduction to gambling through online gambling.
- Lack of participation in 'healthy pastimes' such as sport.
- Involvement in other risky behaviours such as smoking and drinking.

## 7

## Gaming in Bayside

## 7.1 Number and locations of existing machines

## Current situation

There are currently six gaming venues and 225 electronic gaming machines in operation in the City of Bayside.

Figure 7A summarises the nature of each venue, its location and the number of gaming machines situated within it.

The venues are well distributed across the municipality, with the largest number of gaming machines located in Brighton, as follows:

- Beaumaris: 1 venue, 30 gaming machines
- Brighton: 2 venues, 100 gaming machines
- Hampton: 2 venues, 50 gaming machines
- Sandringham: 1 venue, 45 gaming machines.

Of the 225 machines, 145 (64.4%) are located in hotels. The remaining 80 (35.6%) are located in clubs.

Figure 7A – Location of gaming venues in Bayside

Venue	Location	Licensed gaming machines
1. Beaumaris Ex-Services Club	489 Balcombe Road, Beaumaris	30
2. Hampton Bowls Club	Cnr Fewster & Earlsfield Roads, Hampton	30
3. Hampton RSL	25 Holyrood Street, Hampton	20
4. Marine Hotel	215 New Street, Brighton	40
5. Milano's Hotel	4 The Esplanade, Brighton	60
6. Sandringham Hotel	118 Beach Road, Sandringham	45
		225



Source of map and data: (Victorian Commission for Gambling Regulation, 2010) (Bayside Planning Scheme, 2009)

## Gaming machine entitlement auction

On 11 May 2010 the State government conducted a gaming machine entitlement auction, ending the gaming machine ownership duopoly that had existed since 1994. As a result of the auction the

number of gaming machines allocated to Bayside has increased from 225 to 276, with 88 (31.9%) machines allocated to clubs and 188 (68.1%) to hotels.<sup>57</sup>

## 7.2 Gaming machine density and expenditure

The density of gaming machines in the City of Bayside at 30 June 2009 was estimated to be 3.13 machines per 1,000 resident adults. This compares to a state-wide average of 6.54 (down from 7.76 in 2000).

In 25 September 2009 the VCGR applied a municipal limit of 10 gaming machines per 1,000 adults to most municipalities not already covered by Regional Caps. The limit for Bayside is 726 gaming machines. The number of machines currently located within the municipality therefore represents 31% of the number permitted under the cap.

Figure 7B compares key statistics for the City of Bayside with those of other municipalities in the Southern Metropolitan Region. The data contained in the table is sourced from the VCGR website, apart from the SEIFA disadvantage index, which was sourced from the Australian Bureau of Statistics.

Figure 7B – A survey of gaming across the Southern metropolitan region

Statistical area	SEIFA disadvantage score 2006 (Vic rank)	Population projection 2009 (18+)	Gaming venues	Net gaming machine expenditure per adult	gaming machines (Max)	gaming machines per 1000 adults
Bayside CC	1,096 (78 <sup>th</sup> )	93,771	6	\$270	225 (726)	3.13
Stonnington CC	1,088 (77 <sup>th</sup> )	82,624	7	\$284	295 (825)	3.57
Port Phillip CC	1,065 (73 <sup>rd</sup> )	84,398	9	\$355	350 (830)	4.15
Cardinia SC	1,027 (62 <sup>nd</sup> )	50,361	4	\$369	225 (458)	4.47
Casey CC <sup>58</sup>	1,012 (53 <sup>rd</sup> )	181,936	12	\$678	899 (1,017) <sup>59</sup>	4.94
Frankston CC	997 (43 <sup>rd</sup> )	97,017	10	\$761	591 (954)	6.09
Greater Dandenong CC <sup>50</sup>	894 (1 <sup>st</sup> )	104,075	16	\$1,164	989 (989)	7.38
Glen Eira CC	1,071 (75 <sup>th</sup> )	104,866	12	\$741	774 (1,061)	7.38
Mornington Peninsula SC	1,026 (61 <sup>st</sup> )	113,552	18	\$763	842 (1,127)	7.42
Kingston CC	1,030 (63 <sup>rd</sup> )	113,873	17	\$791	944 (1,135)	8.29
<b>Metropolitan</b>		<b>3,082,911</b>	<b>328</b>	<b>\$687</b>	<b>19,401</b>	<b>6.29</b>
<b>Victoria</b>		<b>4,173,557</b>	<b>515</b>	<b>\$649</b>	<b>26,772</b>	<b>6.41</b>

Sources: (Australian Bureau of Statistics, 2008) (Victorian Commission for Gambling Regulation, 2010)

<sup>57</sup> VCGR (2010) Provisional data release: Gaming machine entitlement outcomes.

<sup>58</sup> Municipality covered by a VCGR Regional Cap.

<sup>59</sup> Applies only to that part of the municipality not covered by a regional cap.

Figure 7B highlights that in the Southern Region of Melbourne there is generally a correlation between gaming machines and areas of disadvantage. This is also reflected in gaming machine expenditure per adult. This is illustrated by contrasting the City of Greater Dandenong with the City of Bayside. Greater Dandenong is the most disadvantaged municipality in the State, yet it has the highest number of gaming machines (989) in the Southern Metropolitan Region and the highest net expenditure per adult (\$1,164). Bayside is the least disadvantaged municipality in the region and has the lowest density of gaming machines per 1,000 adults, the smallest number of gaming machines (225) and the lowest expenditure per adult (\$270).

### 7.3 Problem gambling in Bayside

It was not possible to accurately measure the prevalence of problem gambling in Bayside for a number of reasons. Information obtained from Gambler's Help Southern indicated that between 5% and 15% of people with gambling problems seek help from formal services, suggesting that presentation of gambling problems is not an accurate indicator of the prevalence of problem gambling.

In addition, people with gambling problems may not disclose their issues during intake and counselling sessions with emergency relief, housing agencies, psychologists and generalist counsellors, and these agencies do not specifically screen for gambling issues. This reluctance to disclose gambling problems is due to the stigma associated with problem gambling and the need to ensure that these problems are hidden from their families, peers and colleagues.

However, information obtained from Gambler's Help Southern compiled in November 2009 indicated the following factors and trends:

- 7/10 people who presented for assistance were males.
- People presenting for assistance ranged between 30 and 69 years of age.
- 5/7 of those who disclosed their marital status were either single, never married, separated or divorced.
- Suburbs noted included Cheltenham, Hampton (2), Black Rock, Brighton East (2), Brighton (2), Sandringham and Highett.
- With the exception of one client, all the others were born in Australia.
- 5/7 of the clients who noted their employment status were working full-time, the other two being retired and employed on a casual basis.
- Occupations of the clients included a musician, nurse, builder, electrical engineer, IT consultant, manager, butcher and sales representative.
- Presenting issues included:
  - addictions to drugs, alcohol, sex, gambling, pornography and food
  - relationship issues
  - stress and anxiety
  - work-related stress
  - financial and relationship issues
  - long history of gambling on gaming machines and TAB (10-20 years)
  - poor mental state
  - borrowing money to gamble
  - loneliness and grief
  - social isolation
  - debt.

## 7.4 Areas of disadvantage in Bayside

Although Bayside as a whole is a relatively advantaged municipality, there are some localities that are significantly disadvantaged.

Figure 7C lists the SEIFA disadvantage score for each of Bayside's suburbs. Four suburbs fall below the average score for Bayside (1,096) – Hampton East (992), Highett (1,036), Cheltenham (1,075) and Hampton (1,078).

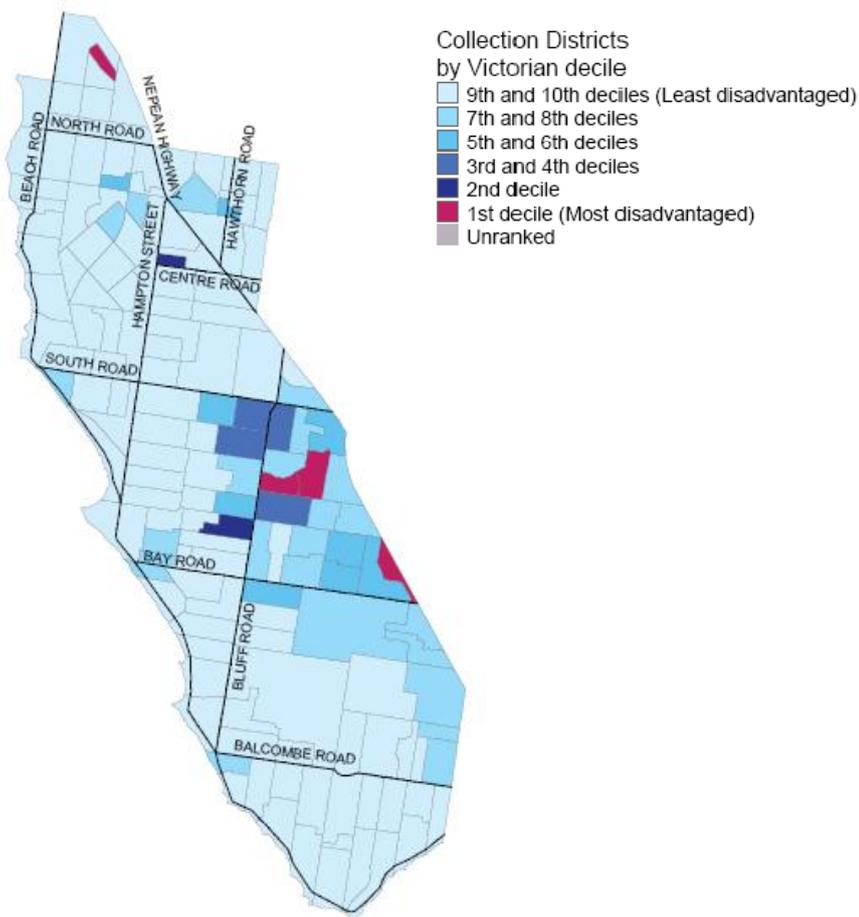
The scores highlight that Bayside's suburbs (taken as a whole) are all below average in terms of disadvantage. However, the suburb of Hampton East's score of 992 is comparable to Frankston City Council's 997, scores which place both in the 5<sup>th</sup> decile on a State-wide basis and the 7<sup>th</sup> decile nationally.

Figure 7C – SEIFA disadvantage scores for Bayside and its suburbs

Statistical area	SEIFA disadvantage score 2006 (Vic rank)	Victorian Decile	Australian Decile
Hampton East	992	5 <sup>th</sup>	7 <sup>th</sup>
Highett	1036	8 <sup>th</sup>	9 <sup>th</sup>
Cheltenham	1075	10 <sup>th</sup>	10 <sup>th</sup>
Hampton	1087	10 <sup>th</sup>	10 <sup>th</sup>
<b>Bayside CC</b>	<b>1096</b>	<b>10<sup>th</sup></b>	<b>10<sup>th</sup></b>
Sandringham	1100	10 <sup>th</sup>	10 <sup>th</sup>
Brighton East	1105	10 <sup>th</sup>	10 <sup>th</sup>
Black Rock	1106	10 <sup>th</sup>	10 <sup>th</sup>
Brighton	1118	10 <sup>th</sup>	10 <sup>th</sup>
Beaumaris	1120	10 <sup>th</sup>	10 <sup>th</sup>

Nevertheless, when viewed at a census collector district level there are specific areas within Bayside that fall within the 1<sup>st</sup> and 2<sup>nd</sup> decile (most disadvantaged) for Victoria. This is illustrated by the Figure 7D.

Figure 7D – SEIFA disadvantage by census collection district in Bayside



Source: (Department of Planning and Community Development, 2009)

## 7.5 Environmental scan of Bayside

Figures 7E to 7K are maps of Bayside and its suburbs which identify the locations of activity centres, transport networks, education facilities, existing gaming venues and other licensed venues. The purpose of surveying and mapping land use and infrastructure of this nature is to identify the location of existing and potential gaming venues relative to vulnerable communities and sensitive uses. The maps are therefore instructive in relation to the testing of the location criteria incorporated into any planning policy.

Figure 7E – Environmental scan of Bayside City Council

Figure 7F – Environmental scan of Brighton

Figure 7G – Environmental scan of Brighton East

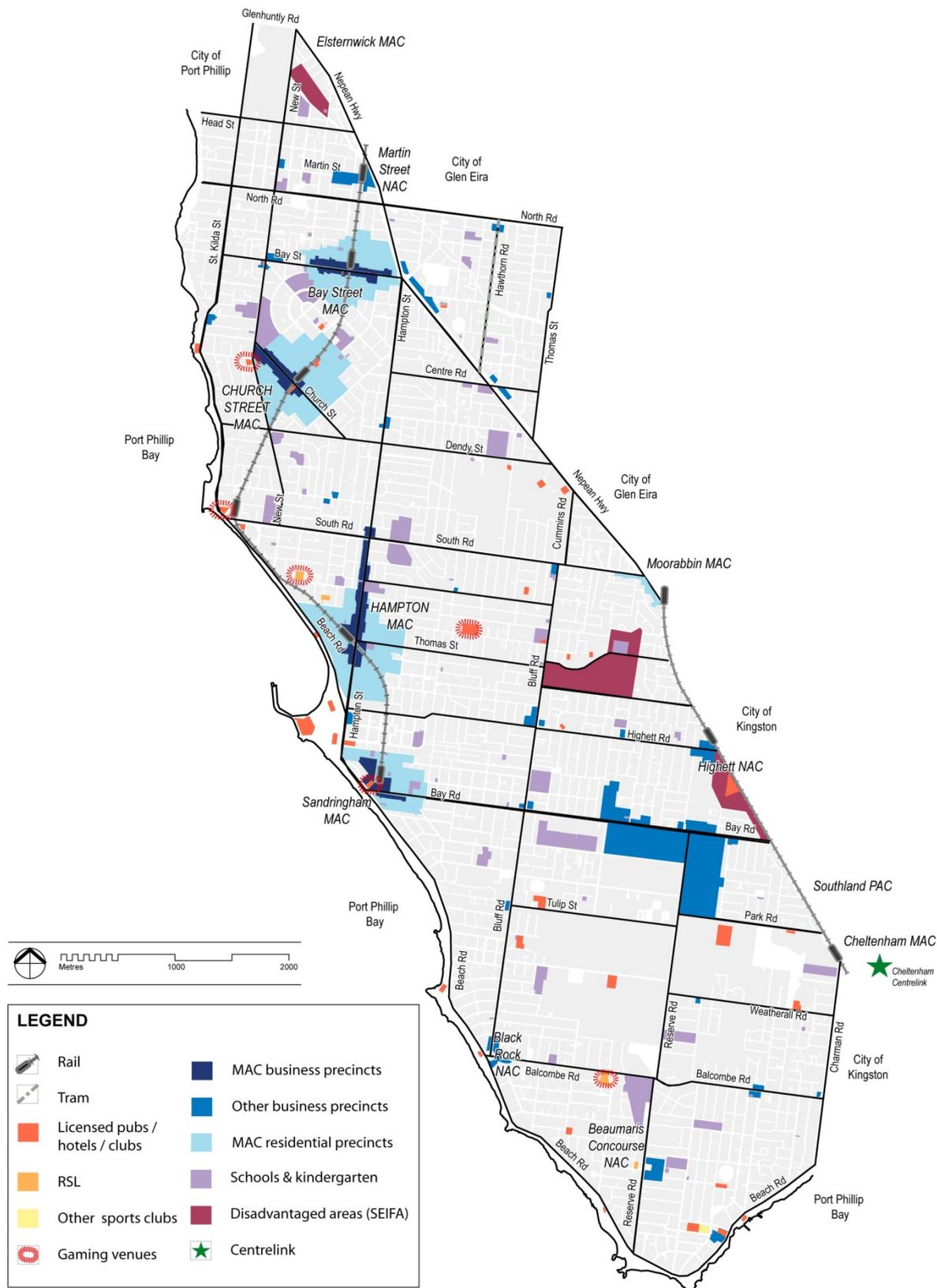
Figure 7H – Environmental scan of Hampton

Figure 7I – Environmental scan of Highett, Cheltenham and Hampton East

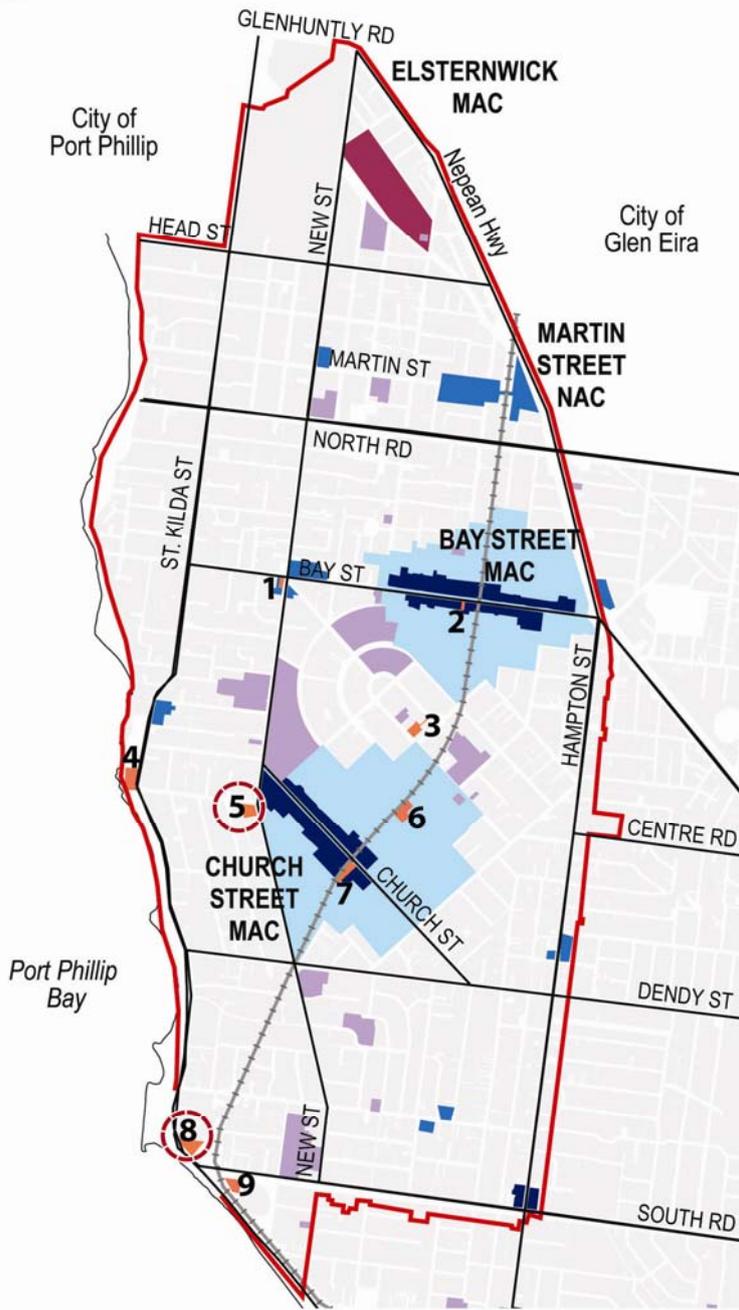
Figure 7J – Environmental scan of Sandringham

Figure 7K – Environmental scan of Beaumaris

# BAYSIDE MUNICIPALITY GAMING

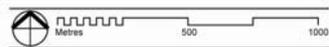


# BRIGHTON

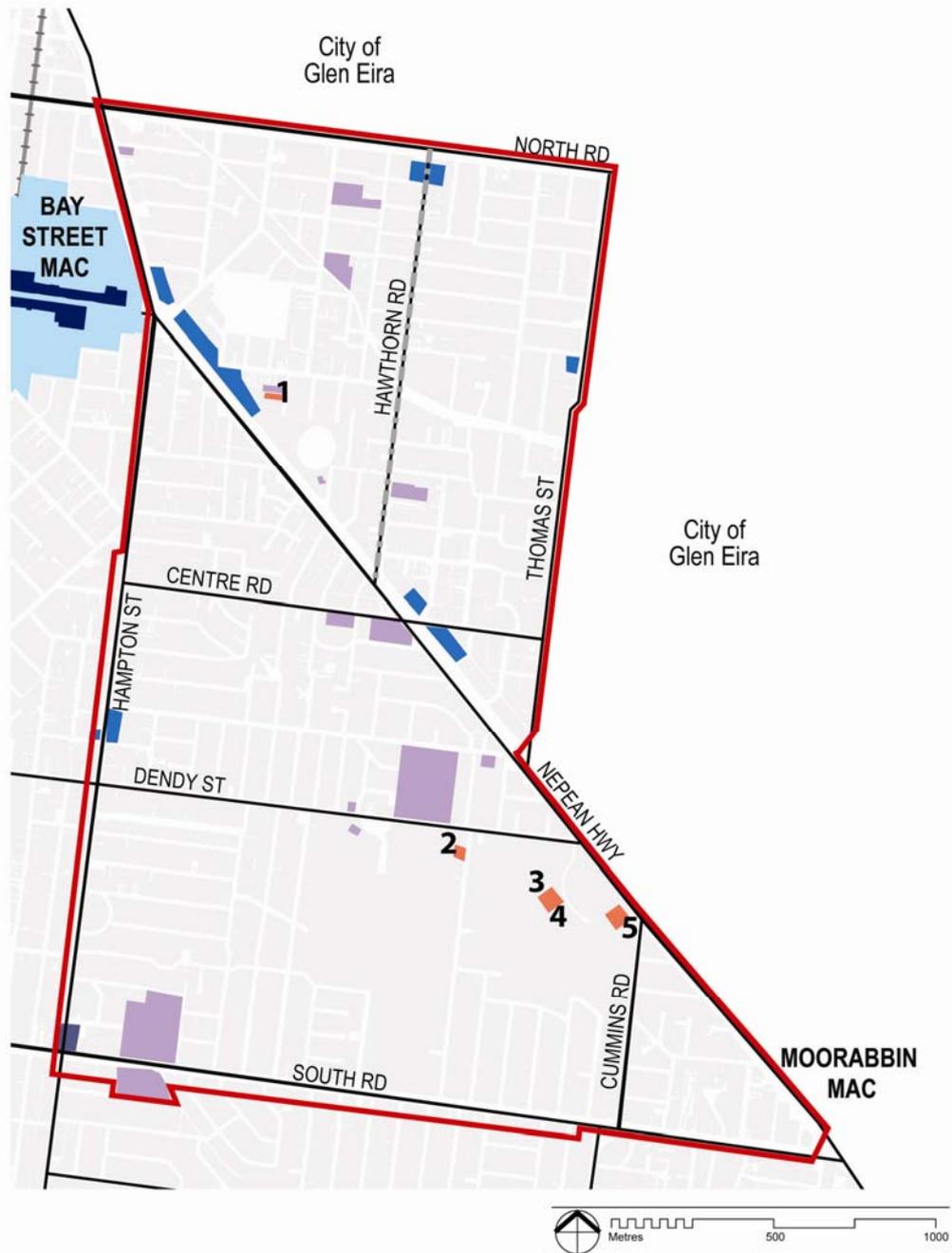


1. New Bay Hotel
2. Brighton Hotel
3. Khyats Hotel
4. The Royal Brighton Yacht Club
5. Marine Hotel
6. Brighton Croquet Club
7. Half Moon Bay Hotel
8. Milanos Brighton Beach Hotel
9. Brighton Beach Bowls Club

LEGEND	
	Suburb boundary
	Rail
	Licensed pubs / hotels / clubs
	Gaming venues
	MAC business precincts
	Other business precincts
	MAC residential precincts
	Schools & preschools
	Disadvantaged areas (SEIFA)



## BRIGHTON EAST

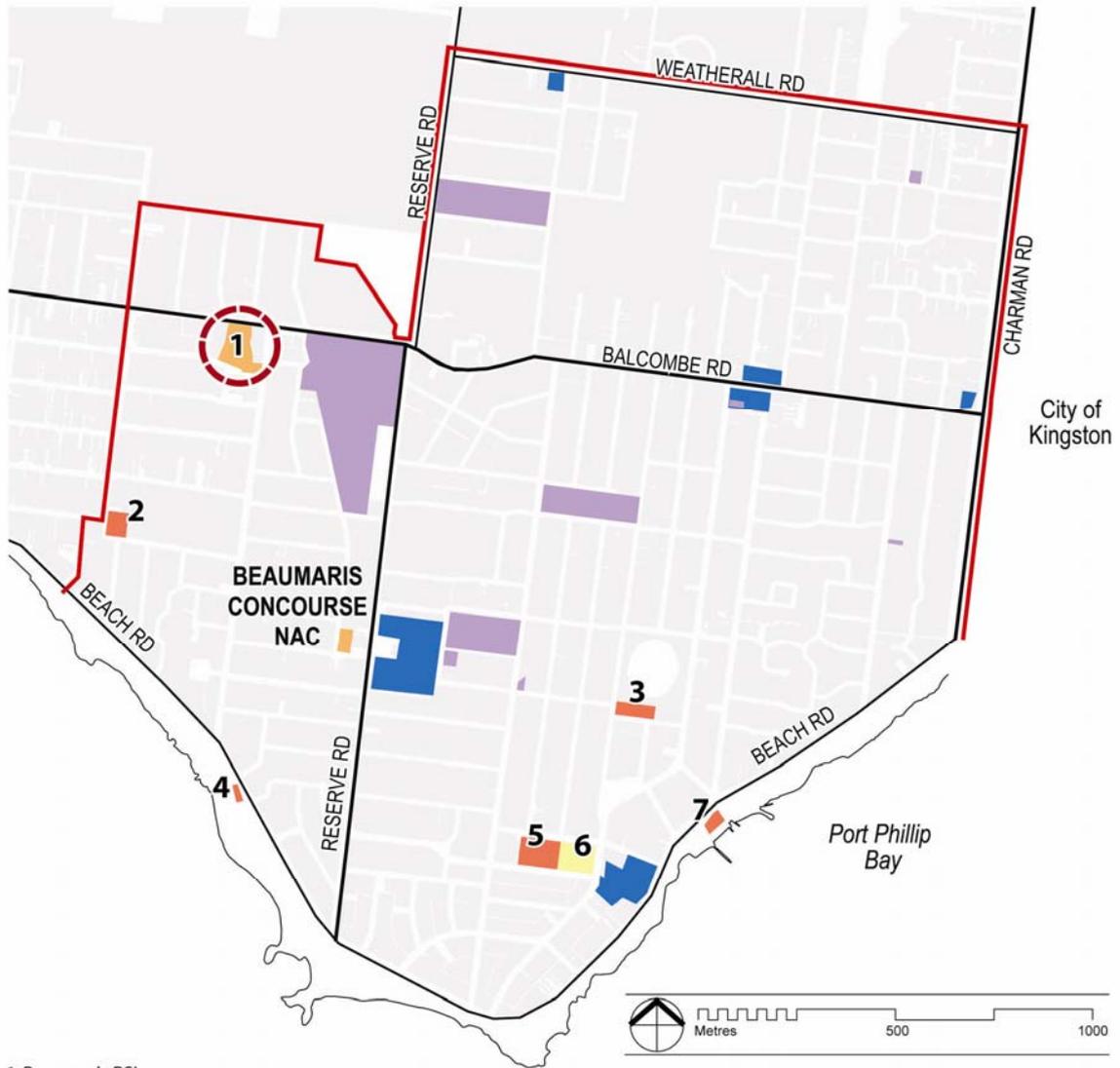


1. Brighton Central Angling Club
2. Brighton Golf Club
3. Brighton Central Cricket Club
4. Old Brighton Grammarians Soccer Club
5. Brighton Bowling & Sporting Club

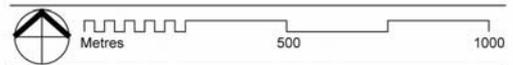
**LEGEND**

	Suburb boundry		MAC business precincts
	Tram		Other business precincts
	Licensed pubs / hotels / clubs		MAC residential precincts
	Gaming venues		Schools & preschools

## BEAUMARIS

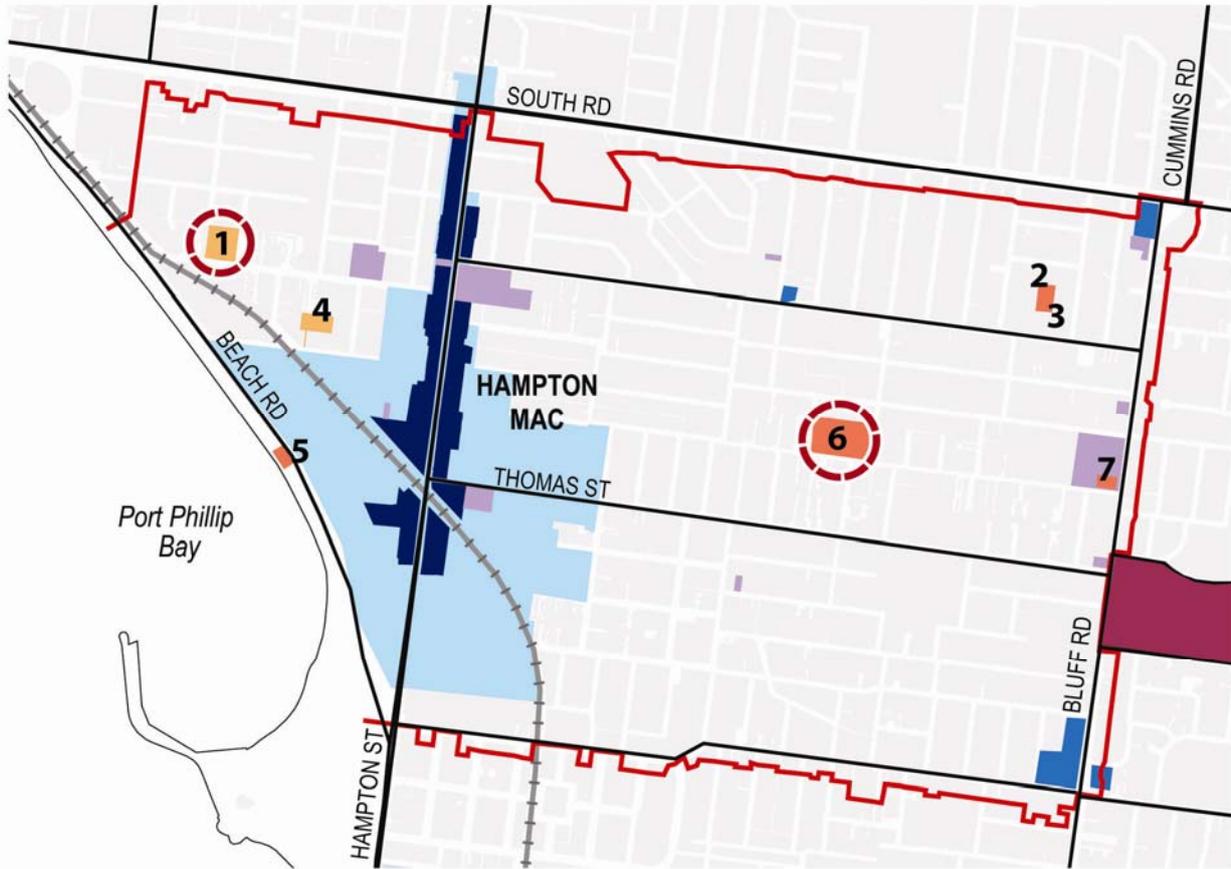


- 1. Beaumaris RSL
- 2. Black Rock Football Club
- 3. Beaumaris Football Club, Beaumaris Tennis Club
- 4. Beaumaris Yacht Club
- 5. Beaumaris Bowls Club
- 6. Bayside Public Tennis Centre
- 7. Beaumaris Hotel



LEGEND			
	Suburb boundary		Gaming venues
	Licenced pubs / hotels / clubs		Business precincts
	RSL		Schools & preschools
	Other sports clubs		

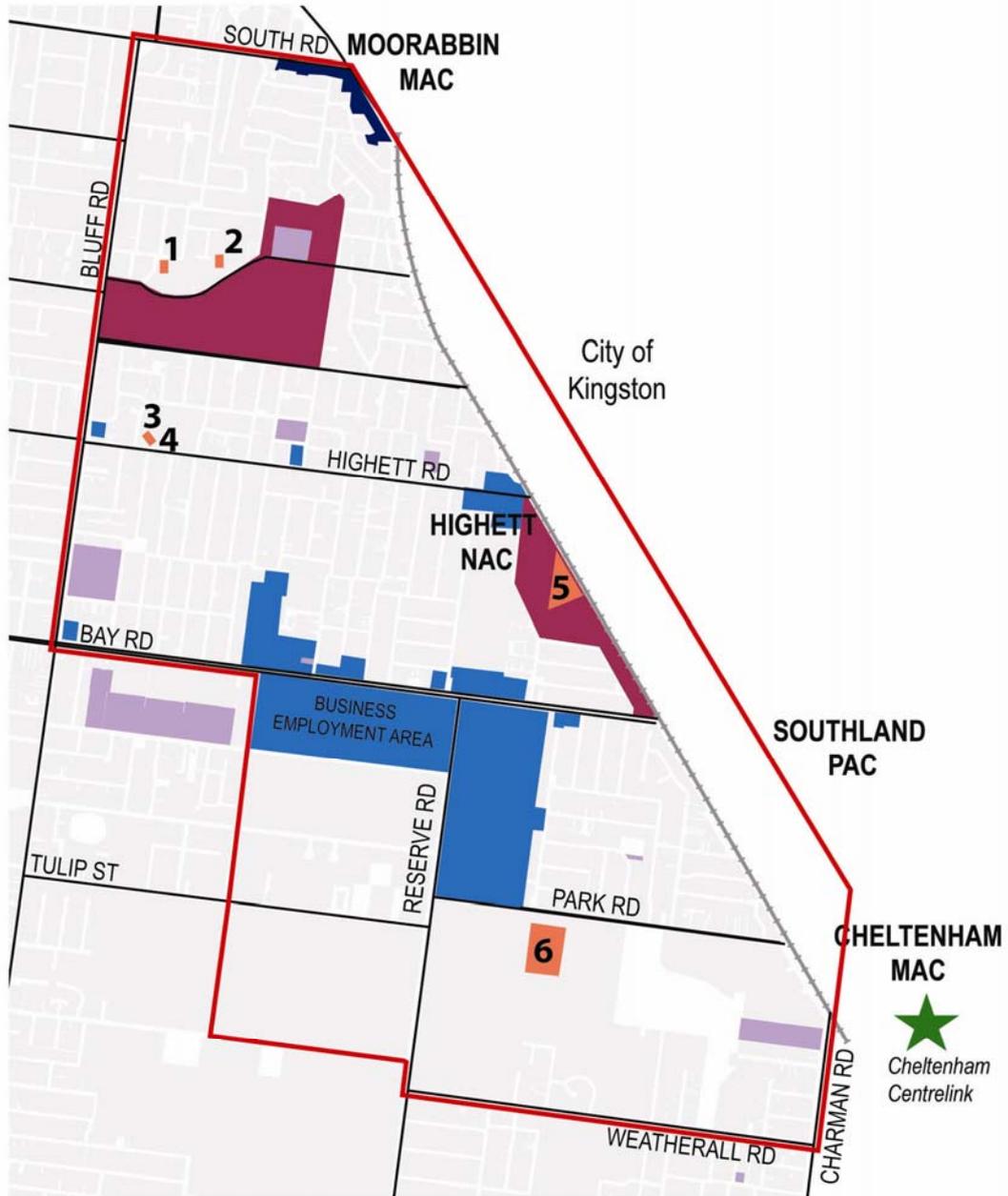
# HAMPTON



1. Hampton RSL
2. Sandringham City Soccer Club
3. Hampton United Cricket Club
4. Hampton RSL - Sub branch
5. Hampton Lifesaving Club
6. Hampton Bowls Club
7. Hampton Cricket Club

LEGEND	
	Suburb Boundary
	MAC business precincts
	Rail
	Other business precincts
	Licensed pubs / hotels / clubs
	MAC residential precincts
	RSL
	Schools & preschools
	Other sports clubs
	Gaming venues
	Disadvantaged areas (SEIFA)

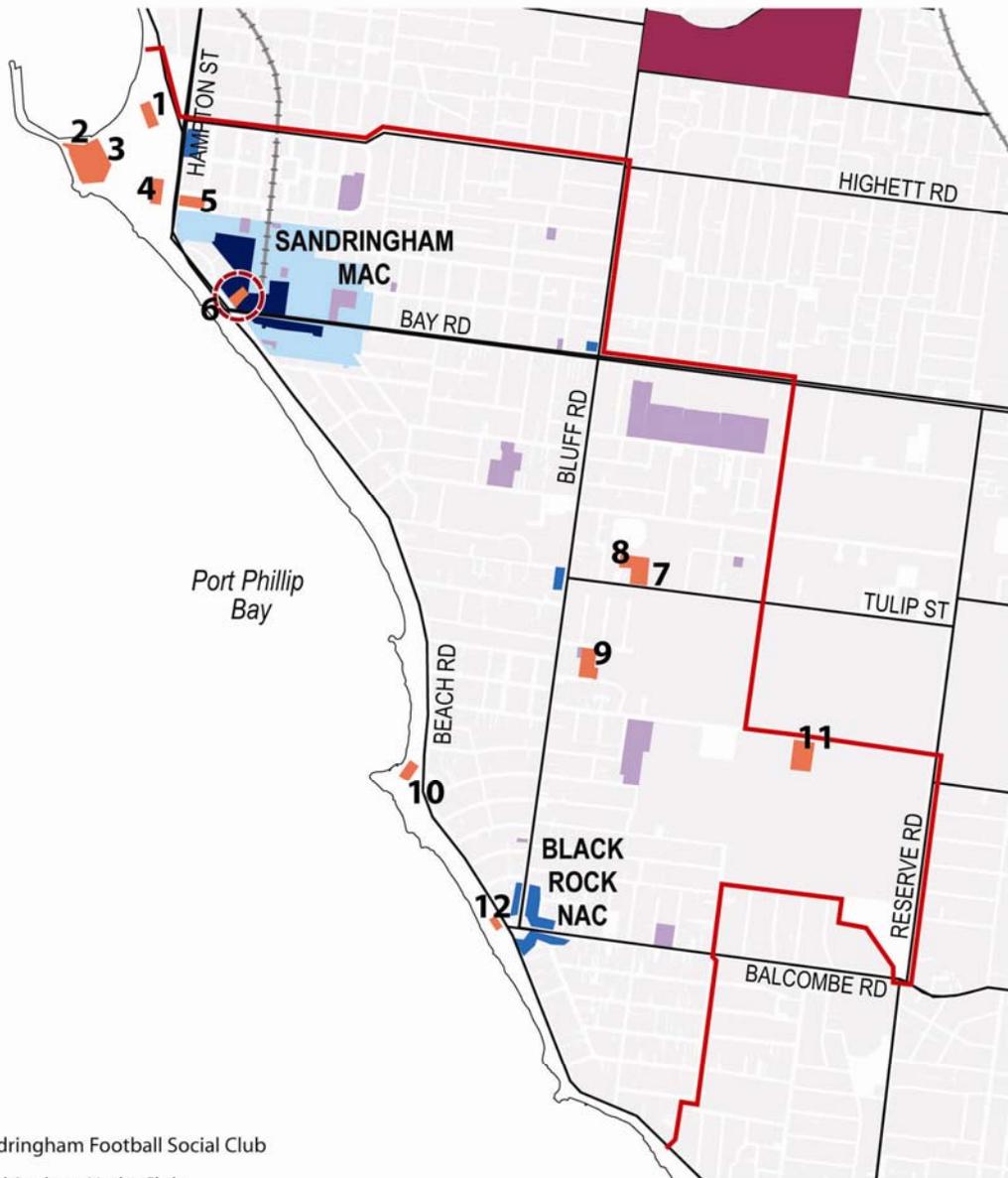
# HIGHETT, CHELTENHAM, HAMPTON EAST



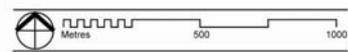
1. Moorabbin Baseball Club
2. Moorabbin West Cricket Club
3. Hampton Football Club
4. Highett West Cricket Club
5. Highett Bowling Club
6. Victoria Golf Club

LEGEND			
	Suburb boundary		MAC business precincts
	Tram		Other business precincts
	Licensed pubs / hotels / clubs		Schools & preschools
	Gaming venues		Disadvantaged areas (SEIFA)
			Centrelink

## SANDRINGHAM



1. Sandringham Football Social Club
2. Sandringham Yacht Club
3. Hampton Sailing Club
4. Sandringham Croquet Club
5. Sandringham Club
6. Sandringham Hotel
7. Sandringham Baseball Club
8. Sandringham Bowls Club
9. Black Rock Bowling & Tennis Club
10. Black Rock Yacht Football Club
11. Sandringham Golf Links
12. Black Rock Lifesaving Club



LEGEND			
	Suburb boundary		MAC business precincts
	Rail		Other business precincts
	Licensed pubs / hotels / clubs		MAC residential precincts
	Gaming venues		Schools & preschools
			Disadvantaged areas (SEIFA)

## 7.6 Environmental scan of existing venues

Following on from the environmental scan of Bayside and its suburbs, a review of the location of each existing gaming venue was undertaken. The findings of this review are outlined in [Figure 7L](#).

Figure 7L – Environmental scan of existing gaming venues in the City of Bayside

Venue	Comments
1. Beaumaris Ex-Services Club 489 Balcombe Road, Beaumaris	<p>Zone: Residential 1 Zone (R1Z)</p> <p>Locality: Predominantly residential area</p> <p>Venue type: Services club – destination / social facility</p> <p>Accessibility: Located on major road with bus routes 100m to west of strip shopping centre (zoned MUZ)</p> <p>Sensitive uses: 200m from Sandringham College Beaumaris Campus on Balcombe Road</p> <p>SEIFA score: 9/10 decile (least disadvantaged)</p>
2. Hampton Bowls Club Cnr Fewster & Earlsfield Roads, Hampton	<p>Zone: Public Park and Recreation Zone (PPRZ)</p> <p>Locality: Public land in residential area, remote from shopping centres</p> <p>Venue type: Bowls club – recreation / destination</p> <p>Accessibility: Accessed via local streets Bus routes on Fewster and Earlsfield Roads</p> <p>Sensitive uses: 550m to nearest school on Fewster Road (Larmerier Catholic Special School) 535m to Hampton Community Kindergarten in Myrtle Road</p> <p>SEIFA score: 9/10 decile (least disadvantaged)</p>
3. Hampton RSL 25 Holyrood Street, Hampton	<p>Zone: Residential 1 Zone (R1Z)</p> <p>Locality: Predominantly residential area</p> <p>Venue type: RSL and bowls club – destination / recreation</p> <p>Accessibility: Accessed via collector street with bus routes</p> <p>Sensitive Uses: 310m to nearest school on Holyrood Street – St Mary's Catholic Primary 540m to Hampton Shopping Centre (MAC)</p> <p>SEIFA Score: 9/10 decile (least disadvantaged)</p>
4. Marine Hotel 215 New Street, Brighton	<p>Zone: Residential 1 Zone (R1Z)</p> <p>Locality: Residential area abutting Church Street MAC</p> <p>Venue type: Hotel</p> <p>Accessibility: Accessed via main road with bus routes, close to MAC 160m along St Andrews Street from Brighton Grammar School</p> <p>SEIFA Score: 9/10 decile (least disadvantaged)</p>
5. Milano's Hotel 4 The Esplanade, Brighton	<p>Zone: Mixed Use Zone (MUZ)</p> <p>Locality: NAC adjacent to Brighton Beach Station</p> <p>Venue type: Hotel</p> <p>Accessibility: Accessed via main road with bus routes, adjacent to railway station 410m to Xavier College along South Road</p> <p>SEIFA Score: 9/10 decile (least disadvantaged)</p>

Venue	Comments	
6. Sandringham Hotel 118 Beach Road, Sandringham	Zone:	Business 1 Zone (B1Z)
	Locality:	Hotel (proportion devoted to gaming unknown). Stand alone building
	Venue type:	Located close to the centre of Sandringham MAC close to Sandringham Railway Station
	Accessibility:	Accessed via main roads with bus routes, adjacent to railway station 390m to Sacred Heart Catholic Primary School via Bay Road
	SEIFA Score:	9/10 decile (least disadvantaged)

## 8

## Evaluation of Bayside EGM Policy 2008

The following discussion evaluates the *Bayside Electronic Gaming Machines Policy 2008* within the policy and legislative framework described in previous sections of this report. Each section of the policy is evaluated in turn. Recommendations have been made that are aimed at refining the policy and preparing a local policy suitable for inclusion in the *Bayside Planning Scheme*.

### 8.1 Introductory sections

#### Introduction

The introduction provides the policy context, confirming that although electronic gaming machines represent a legal form of recreation for adults, they can also have adverse impacts on individuals and communities. It also describes changes to the planning scheme that were introduced shortly before the adoption of the policy; and explains in broad terms the purpose of the policy itself.

*Recommendation: Redraft to more clearly express the policy context and purpose. Remove references to current venues and gaming machines and specific planning scheme provisions.*

#### Glossary of terms

The glossary provides definitions for key terms and acronyms – ‘gaming machines’, ‘gaming’, ‘gaming premises’, and ‘strip shopping centre’. As these definitions are drawn from different sources and, in some cases have specific legal meanings, the glossary aids interpretation of the policy.

*Recommendation: Revise to clarify language and ensure consistency with legislation or planning scheme provisions. Include additional key terms referred to in the policy.*

#### Policy preparation

This section describes, in general terms, the strategic basis for the policy. It overlaps with the introductory section of the policy and the objectives.

*Recommendation: Delete this section of the policy.*

## Purpose of the policy

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This section outlines in general terms what Council is seeking to achieve through the policy. The section could be improved by making it clearer how the policy will be used and separating its objectives from the strategies it will apply to achieve them.

*Recommendation: Relocate text to introductory section. Replace with policy objectives identical to those to be included in the proposed local policy.*

## 8.2 Assessment of applications

### Applications for electronic gaming machines

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This section describes the information that Council will require to accompany a planning permit application for a 'gaming premises' or 'electronic gaming machines'; some of the decision making guidelines that Council will apply; and confirms that applications are likely to be advertised by public notice.

Much of the information required is standard for any planning permit application and need not be repeated here.

*Recommendation: Relocate this section to the end of the policy and remove information requirements that are not specific to gaming machine or venue applications.*

### Environmental, social and economic impact

This section describes in further detail the matters Council will take into account in assessing a planning permit application.

The 'environmental' impacts described in the policy are essentially amenity impacts. As the majority of electronic gaming facilities are located within licensed premises amenity impacts are more likely to be associated with alcohol related activities and entertainment rather than the installation and use of electronic gaming machines. Social and economic impacts should therefore be given greater emphasis than environmental impacts, particularly as these are the primary basis for Council's concerns about gaming.

The section outlines an extensive list of information to be provided by the applicant without explaining how this information will be used by Council in its decision making or what policy parameters will be applied. This section could be tightened in order to be more specific and appropriately targeted.

*Recommendation: Redraft to place greater emphasis on social and economic issues. Review information requirements to more clearly explain what is required. Delete information that is a standard requirement of the planning process.*

### Location

The 'location' component of the policy requires detailed analysis due to the complexity of the planning scheme provisions that it relates to. In summary, the policy:

- Mandates that gaming premises be located in either a business or industrial zone.
- Discourages gaming premises in close proximity to 'a residential location' unless it can be established that there will be 'no adverse impact' on that area.
- Reiterates the prohibition on installing or using gaming machines in 'strip shopping centres' at Clause 52.28 of the scheme.
- Reiterates the prohibition on installing gaming machines in Dendy Plaza, Brighton.

- States that new gaming premises should be located so as to *'build upon'* the existing commercial land pattern of Bayside.
- Discourages the establishment of gaming premises close to *'sensitive uses'*, such as schools, kindergartens, child care centres, libraries, aged care facilities and churches.
- Indicates that the cumulative impacts of gaming premises will be taken into account in making a decision.

Each of these policy elements is addressed below, although the sequence has been changed to aid interpretation.

*'Gaming Premises must be located within either a business or industrial zone.'*

The *Bayside Planning Scheme* contains four different business zones:

- Business 1 Zone (B1Z), which provides for *'retailing and other complementary commercial, entertainment and community uses'*;
- Business 2 Zone (B2Z), which provides for *'offices and associated commercial uses'*
- Business 3 Zone (B3Z), which provides for *'integrated development of offices and manufacturing industries and associated commercial and industrial uses'*
- Business 5 Zone (B5Z), which provides for *'offices or multi-dwelling units with common access from the street'*.

A gaming venue is a discretionary use in all of these zones; however, the Gaming provisions at Clause 52.28-3 (see below) prohibit gaming machines in strip shopping centres. The majority of business zones in Bayside, including the Major Activity Centres, are likely to fall within the definition of strip shopping centre.

There are no longer any industrial zones within the City of Bayside. The former industrial zones have all been rezoned to either Business 5 Zone or Mixed Use Zone, with the majority located in the Sandringham East / Cheltenham Business Employment Area.

A number of neighbourhood centres are also included in the Mixed Use Zone (MUZ), which provides for a *'range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality'*. Some of these may not fall within the definition of strip shopping centre.

The Municipal Strategic Statement identifies a hierarchy of activity centres within Bayside in accordance with metropolitan strategy *Melbourne 2030*. The application of the above zones reflects existing land use patterns and strategic objectives rather than the hierarchical position of the centres; although it is noted that the mixed use zone has been applied to a number of lower order centres.

The Municipal Strategic Statement also includes a general strategy to *'restrict the establishment of gaming machines in shopping centres'*. (Clause 21.06-3)

*Recommendation: Delete this component of the policy as it does not provide effective guidance as to where gaming machines and venues should be located.*

*Discourage gaming venues in neighbourhood activity centres that do not fall within the definition of 'strip shopping centre' on the basis that such locations may promote convenience gambling.*

'Installation or use of a gaming machine is prohibited in a strip shopping centre if:

- the strip shopping centre is specified in the schedule to clause 52.28-3.
- the schedule provides that a gaming machine is prohibited in all strip shopping centres on land covered by the Planning Scheme.'

'Installation or use of a gaming machine is prohibited in a shopping centre if that centre is named in the Schedule to Clause 52.28-3.'

'The Schedules to Clauses 52.28-3 and 52.28-4 of the Bayside Planning Scheme prohibit gaming machines in Dendy Plaza Brighton and in all Bayside strip shopping centres.'

These components of the policy describe the effect of schedules to Clause 52.28 'Gaming', which prohibits the installation or use of a gaming machine in Dendy Plaza, Brighton, as well as in all strip shopping centres throughout the municipality.<sup>60</sup> As such, these components of the policy do not represent policy at all; rather they reflect statutory provisions that apply notwithstanding the policy.

The prohibitions contained in Clause 52.28-3 override the provisions of the zones described above and heavily qualify the first component of the policy itself, i.e. that gaming premises must be located in business zones.

Clause 52.28 defines a 'strip shopping centre' as follows:

*A strip shopping centre is an area that meets all of the following requirements:*

- *it is zoned for business use;*
- *it consists of at least two separate buildings on at least two separate and adjoining lots;*
- *it is an area in which a significant proportion of the buildings are shops;*
- *it is an area in which a significant proportion of the lots abut a road accessible to the public generally;*

*but it does not include the Capital City Zone in the Melbourne Planning Scheme.*

The majority of shopping centres within the City of Bayside are likely to fall within the above definition, meaning that gaming machines are prohibited in these business areas. The exceptions would come down to matters of interpretation and may include:

- properties that have been included in the Mixed Use Zone, as these may not fall within the ambit of dot point one;
- areas, particularly small neighbourhood centres, where the character or land use has changed to the extent that they can no longer be characterised as having a 'significant proportion' of buildings that are shops<sup>61</sup>;
- parts (possibly the majority) of the Business Employment Area that do not meet the criteria outlined in dot points three and four above.

<sup>60</sup> The provision is not retrospective and therefore does not apply to gaming machines in an approved venue on 18 October 2006, provided the maximum number of machines is not exceeded.

<sup>61</sup> In *Shimmerbridge Pty Ltd v Bayside CC* (a VCAT Red Dot decision), the Tribunal found that the definition of 'strip shopping centre' at Clause 52.28 required consideration of building form as well as use. In making a declaration under Section 149A of the *Planning and Environment Act 1987* the Tribunal found that the Keys Road, Beaumaris, centre was a strip shopping centre 'because a significant proportion of the buildings are constructed as shops, including much new construction; the overall mix of uses is one often found in a strip shopping centre and enough of the buildings are also used as shops applying the ordinary or natural English meaning of the word.' [2008] VCAT 1428.

*Recommendation: In order to avoid ambiguity, amend the Schedule to Clause 52.28-3 to nominate the strip shopping centres where the prohibition applies.*

*'New gaming premises should be located so as to build upon the existing commercial land use pattern in the City of Bayside.'*

This component of the policy is generally consistent with the local and State planning policy frameworks. These both promote the concentration of retail, commercial and recreational facilities in activity centres and discourage out of centre development. The intent of these policies is to promote environmental and economic sustainability by focussing activity in locations where population and public transport are also concentrated.<sup>62</sup>

As discussed, Bayside's major activity centres and the majority of neighbourhood activity centres are likely to fall within the definition of 'strip shopping centre' where gaming machines are prohibited. The prohibition therefore represents a qualification to this component of the policy.

This policy component also, however, supports the location of gaming venues in the Sandringham East / Cheltenham Business Employment Area (see also the first component of the policy which refers to the 'industrial' zone). A gaming venue is a discretionary use within the zones that apply to this area and the prohibitions at Clause 52.28 would not apply to the majority of the area.

The promotion of gaming in this area, the former industrial area of the City of Bayside, is considered to be inconsistent with both the State and local planning policy frameworks. The Business Employment Area is not a major activity centre and the Municipal Strategic Statement and local policy do not support entertainment facilities being located in this area.

More significantly, the Business Employment Area is located within 500 metres of one of the most disadvantaged areas within the municipality. Several contemporary local policies seek to locate gaming venues away from vulnerable communities and it is appropriate that the Bayside local policy should do so as well.

*Recommendation: Delete this component of the policy. Include new components discouraging gaming venues from being located within the Bayside Business Employment Area; and from being located in close proximity to areas of disadvantage.*

*'While it is acknowledged that there are relatively few opportunities for gambling premises in Bayside, the establishment of gaming premises in close proximity to a residential location is generally inappropriate unless it can be established that there will be no adverse impact on that residential area.'*

This component of the policy discourages gaming premises in 'close proximity to residential locations' in order to protect residential amenity. Given the other constraints on gaming machine location described above it is doubtful whether this element of the policy is likely to be effective in guiding the location of gaming venues.

All six of the existing gaming venues in the City of Bayside are located in close proximity to residential locations. The three clubs that have gaming venues are all located in residential zones or areas. The Marine Hotel is in a Residential 1 Zone. Milano's is in a Mixed Use Zone, where residential uses are promoted. The Sandringham Hotel is in a major activity centre, but is located opposite an apartment building.

Perhaps with the exception of the Sandringham hotel, which is located in the middle of a major activity centre, it can be argued that the existing venues in Bayside are all in locations that do not readily facilitate convenience gambling. As such, their existence as non-residential uses in residential areas can be said to support a contemporary harm minimisation approach.

<sup>62</sup> In *Walker Corporation Pty Ltd v Wyndham CC* the Tribunal overturned a Council decision to permit a large hotel and reception centre with gaming facilities in a light industrial area. The Tribunal found that the proposal was contrary to State policy in relation to the 'orderly planning and development of activity centres' and that there was no net community benefit to warrant the grant of a permit outside of an activity centre. [2007] VCAT 1396.

The planning scheme provides for a range of non-residential uses to be located in or near residential zones. Applications of this nature are assessed against a variety of planning scheme decision guidelines, which include amenity considerations, and are subject to public notification if there is potential for material detriment to nearby properties. In the case of gaming premises, it is reasonable to suggest that the amenity impacts of signage, traffic and the consumption of alcohol are more significant in terms of amenity than the operation of gaming machines.

While protecting amenity is an important role of the planning scheme, it is unreasonable to expect that any land use result in *'no adverse impact'*. Furthermore, the social and economic impacts of gaming are likely to have more weight in any planning debate than amenity impacts.

*Recommendation: Delete this component of the policy.*

*'The establishment of gaming premises close to sensitive uses such as schools, kindergartens, child care centres, libraries, aged care facilities and churches is generally inappropriate.'*

A sensitive use is one which is either located within close proximity to young people, or one that is associated with a community's day to day activities. There is evidence to suggest that the location of gaming machines in close proximity to sensitive uses can contribute to problem gambling due to their potential to promote convenience gambling. Proximity to schools and kindergartens is a particular concern.

*Recommendation: Retain this component of the policy.*

*'The proximity of a proposed gaming facility to other gaming premises within the local area will also be taken into consideration as part of the assessment in order to avoid an excessive concentration of gaming premises or a ribboning effect along roads.'*

This policy component seeks to avoid the proliferation of gaming venues in a particular location. This element of the policy is supported and relates to the issue of proliferation of licensed venues.

*Recommendation: Revise the wording of this component to adopt more specific mechanism for managing the clustering of gaming venues and the density of gaming machines.*

## Parking

This section notes that the State-wide parking provisions do not specify a car parking requirement for gaming machines. It states that as a general guide 0.3 spaces should be provided for each gaming machine, except where the machines are ancillary to another use. It also expresses an expectation that parking be provided on site.

This component of the policy partially overlaps with the standard car parking provisions found elsewhere in the scheme.

*Recommendation: Delete this part of the policy as the issue is appropriately addressed by the standard car parking provisions of the planning scheme.*

## 8.3 Consultation and policy review

### Community consultation and response

In this section Council commits itself to taking community views into account in relation to gaming applications and the identification and evaluation of community impacts from gambling activities.

It states that the circumstances *'likely to prompt Council to be against an application for gaming machines'* are also described, namely:

- Proposals close to premises where the focus of activity caters for minors;

- Proposals likely to lead to increased dependence on social services, or which would negatively impact on social or economic wellbeing;
- Proposals likely to have an adverse impact on adjoining residential areas, commercial centres or club premises.

The second part is intended to provide an indication of how Council will respond to community concerns. The three components of the policy are generally sound and would be more effective if relocated with other policy criteria.

*Recommendation: Rephrase the three location criteria and relocate with other policy provisions.*

## Related documentation; and Review of policy

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These sections provide references and describe the circumstances in which the policy will be reviewed. No change is required to these sections.

# 9

## Developing a local policy for Bayside

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### 9.1 Analysis conclusions

A number of conclusions can be drawn from the above analysis that will assist in developing a gaming machine local policy that is relevant to the Bayside context. These are:

Gaming is a legal entertainment activity but one which is associated with adverse health and economic impacts for some individuals and communities.

Decisions about gaming machines and venues must be consistent with relevant planning and gambling legislation and policies. Some policy tensions exist between these two frameworks in relation to decision making criteria and accessibility to gaming venues.

Decision guidelines should support a sound and rigorous assessment of applications for gaming machines in terms of their social and economic impacts.

Stakeholder and community views play an important role in evaluating the impact of gaming proposals.

Many of the risk factors associated with gaming cannot be addressed through the planning system. For those factors that can be addressed, planning policy can make a positive contribution as part of a broader harm minimisation strategy.

Any harm minimisation strategy should promote collaboration between all stakeholders, including venue operators, patrons, gambling support agencies, health services providers and policy, to provide a holistic and community-wide approach to harm minimisation.

The primary role of planning policy in relation to gaming is to identify suitable location criteria that can assist in protecting individuals and communities that are most at risk.

There is a range of inter-related risk factors associated with problem gambling. As a result identifying specific individuals and communities who are at risk is a complex task.

Problem gambling occurs across all socio-demographic and socio-economic profiles of the community but is likely to be concentrated in groups which are socially isolated and experiencing socio-economic disadvantage.

Demand for gaming is likely to be limited in Bayside due to the relative socio-economic advantage of the community as a whole and the availability of a wide range of social, entertainment and transport options within the municipality.

Despite the general socio-economic advantage of the Bayside community, areas of significant disadvantage do exist. Gaming venues should be located away from these areas.

Location criteria should focus on restricting visibility, accessibility to vulnerable sectors of the community, concentrations of gambling venues and convenience gambling.

During the consultation phase of this project anecdotal evidence was provided that suggested destination venues may contribute to problem gambling. This is said to occur when individuals attend a venue for social activities and are thereby introduced to gaming machine gambling. The literature review did not uncover any studies which tested this view. To the contrary, the literature and State policy suggest that a range of social and leisure opportunities are effective in managing problem gambling. This is another policy tension to be aware of.

Gaming in Bayside is currently characterised by:

- A low density of gaming machines per 1,000 adults.
- Relatively dispersed gaming venues.
- Venues that are embedded in residential areas and located in tourist or shopping precincts.
- Relatively small venues by metropolitan standards.
- A greater proportion of gaming machines in hotels than clubs.
- Relatively low but increasing expenditure on gaming.
- Distinct pockets of disadvantage, some of which are located in close proximity to adjoining local government areas.

## 9.2 Draft policy

In response to the analysis and conclusions contained in this review report a revision of the *Bayside EGM Policy 2008* has been prepared. The draft *Bayside Gaming Policy 2010* is provided as [appendix A](#). A local policy, suitable for inclusion in the *Bayside Planning Scheme* has also been provided as [appendix B](#).

The draft policies contain location criteria intended to guide decision making in relation to applications for gaming machines and venues. As a local policy is designed to guide the exercise of planning discretion in relation to gaming applications the criteria do not operate so as to prohibit gaming machines, but rather provide guidance as to the most appropriate location for gaming machines in response to the policy objectives.

The rationale for each location criterion is explained below.

## Appropriate sites

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*'Gaming machines should be located on sites that are more than 800 metres from:*

- *An Australian Bureau of Statistics collection district that is within the most socio-economically disadvantaged 20 per cent in Victoria as defined by the SEIFA index of relative disadvantage.*
- *Sensitive community facilities, including schools, kindergartens, child care centres, libraries, medical centres, churches, the offices of public and private welfare agencies and hospitals.*
- *A railway station or transport interchange.*
- *Another venue which operates gaming machines.'*

These criteria are intended to promote harm minimisation by: limiting access and exposure of vulnerable communities and individuals to gaming venues; and discouraging convenience gaming.

The threshold distance of 800 metres represents the outer limit of what is considered to be convenient walking distance and is used in other planning contexts such as defining activity centre boundaries. Although it is acknowledged that many gamblers will travel by car or public transport rather than walk the relatively small geographical size of Bayside makes a larger threshold unworkable. A threshold or buffer distance based on pedestrian convenience is considered to be the minimum distance capable of discouraging convenience gaming.

The choice of the SEIFA index as a measure of disadvantage is consistent with the approach used in other municipal local policies and represents an objective and empirical measure of disadvantage.

The buffer from *'sensitive community facilities'* is intended to limit exposure to potentially vulnerable individuals, such as young people and those with health or economic issues, from gaming machines and is consistent with the findings of the literature review. Obviously it will be difficult to identify a site that is located 800 metres from all of the types of activities listed; however, the intent is to raise proximity to such facilities as an issue for consideration against other relevant decision guidelines when considering the question of net community benefit.

The buffer from railway stations is intended as a measure to discourage convenience gaming. As most of Bayside's railway stations are located within strip shopping centres this provision should support the existing scheme objectives.

The buffer from other venues operating gaming machines is intended to avoid a clustering of gaming venues. Again the objective is to discourage convenience gaming and the potential for problem gamblers to readily walk between venues.

*'Gaming machines should not be located:*

- *In Neighbourhood Activity Centres.*
- *In the Bayside Business Employment Area.*
- *In suburbs where the density of gaming machines per 1,000 resident adults, including the proposed machines, is greater than the metropolitan Melbourne average.'*

These criteria seek to identify locations where gaming machines, or additional gaming machines, should not be located.

Redirecting gaming machines away from Neighbourhood Activity Centres is intended to discourage convenience gaming, support Bayside's commercial centre hierarchy, and address any neighbourhood centres that do not fall within the definition of *'strip shopping centre'*.

The Bayside Business Employment Area is considered to be an inappropriate location for gaming machines as it is an out of centre location that is in close proximity to an area of significant disadvantage. The policy therefore aims to support the commercial centre hierarchy and promote harm minimisation.

Discouraging gaming machines in suburbs where the density of gaming machines exceeds the metropolitan average is intended to avoid a concentration of gaming machines in a particular suburb. It is considered reasonable to apply a density criterion at a suburb level as this would avoid an excessive concentration of gaming machines in any particular geographical area, while still providing alternative options for locating machines elsewhere in the municipality provided the municipal cap is not breached.

*'Gaming machines are prohibited in:*

- *Dendy Plaza, Brighton.*
- *All strip shopping centres within the City of Bayside.'*

For the purpose of completeness, the policy restates the prohibitions that already exist in the *Bayside Planning Scheme*. The above provision need not (and cannot) be included in the proposed local policy ([appendix B](#)) as this would form part of the planning scheme itself.

## Appropriate venues

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*'Gaming machines should be located in venues that:*

- *Provide a range of social, leisure and recreational activities other than gaming as the primary purpose of the venue. Alternative non-gaming social, leisure and recreational facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.*
- *Incorporate effective management and mitigation measures to minimise the risk of harms associated with problem gambling.*
- *Have a gaming floor area less than 25 per cent of the total floor area of the venue.*
- *Have access to natural light and allow patron surveillance of outdoor areas.*
- *Have clear directional signs to all non-gaming amenities, including toilets and dining areas, lounges, recreational facilities.*
- *Physically and visually separate the venue's non-gaming activities from gaming activities.*
- *Are designed so that amenities for the venue's non-gaming activities, including entrances and exits, toilets, meeting spaces and dining areas, can be accessed without entering the gaming area.*
- *Do not operate for more than 16 hours per day.*
- *Do not have automatic teller machines.'*

These criteria aim to ensure that venues are designed to support harm minimisation objectives by providing an appropriate context and environment for gaming machines. All of the nominated criteria are matters that can be addressed through the planning system.

The first and third criteria aim to ensure that gaming activities occur in venues that offer a range of alternative social activities that are not related to gambling. The policy providing for a maximum of 25% of total floor area devoted to gaming is intended to ensure that gaming is not the dominant land use and is consistent with the amount of floor space that could formerly be devoted to gaming machines without the need for a planning permit.

The remainder of the proposed criteria are aimed at ensuring that contemporary harm minimisation management practices and design measures are adopted. This includes limiting operation to 16 hours per day, ensuring that gamblers are forced to take an eight hour break from gambling at any particular venue.

*'Gaming machines should not be located in venues that will have a significant adverse amenity impact on the adjoining land uses as a result of operating hours, traffic, noise, car parking, safety and security.'*

This criterion is intended to protect the amenity of adjoining land uses. Although amenity is a standard consideration for most planning permit applications, this provision would specifically discourage the installation of gaming machines in venues likely to have (or already causing) significant adverse amenity impacts.

## 9.3 Strip shopping centres

At present there is a blanket prohibition on gaming machines in strip shopping centres under Clause 52.28 of the *Bayside Planning Scheme*. As discussed elsewhere in this report, the application of this prohibition is open for interpretation based on the definition of strip shopping centre. It is therefore recommended that Council seek to amend the scheme to nominate strip shopping centres so that any ambiguity is removed.

## 10 References

- Australian Bureau of Statistics (2008) *SEIFA Australia Data 2006*. [www.abs.gov.au](http://www.abs.gov.au)
- Australian Bureau of Statistics Information Paper 2039.0, *An Introduction to Socio-Economic Indexes for Areas*.
- Australasian Gaming Council (2009) *A Database on Australian's Gambling Industry 2008/09. Bayside Planning Scheme*. [www.dse.vic.gov.au](http://www.dse.vic.gov.au).
- Beretta's Langwarren v Frankston City Council* [2009] VCAT 74
- Bright Newbay Hotel Pty Ltd*, VCGR Decision, April 2010.
- Centre for Gambling Research (2009) *2003 Victorian Longitudinal Community Attitudes Survey*, Australian National University.
- Department of Justice (2008) *Destination Gaming: Evaluating the Benefits for Victoria*.
- Department of Justice (2005) *Regional Electronic Gaming Machine Caps Review Panel Final Report*.
- Department of Justice Fact Sheet 6, *A Study of Gambling in Victoria. Problem Gambling from a Public Health Perspective*.
- Department of Planning and Community Development (2009) *Socio Economic Indexes for Areas (SEIFA) Maps*. [www.dpcd.vic.gov.au](http://www.dpcd.vic.gov.au)
- Dickson, L; Derevensky, J; and Gupta R (2008) *Youth Gambling Problems: Examining Risk and Protective Factors*, International Gambling Studies, Vol. 8, No. 1.
- Gambling Regulation Act 2003*
- Johansson, A; Grant, J; Kim, S; Odlaug, B; Gotestam, K (2009) *Risk Factors from Problematic Gambling: A Critical Literature Review*, Journal of Gambling Studies, Vol. 25, No. 1.
- Planning Panels Victoria (2010) *Yarra Ranges Planning Scheme Amendment C77 Gaming Policy*
- Productivity Commission (2009) *Gambling*, Draft Report, Canberra.
- Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation and Anor* [2009] VCAT 2275
- State Government of Victoria (2005) *Evaluation of Electronic Gaming Machine Harm Minimisation Measures in Victoria*.
- State Government of Victoria (2008) *A Review of Australian Gambling Research*. Commissioned by Gambling Research Australia.
- Victorian Commission for Gaming Regulation (2010) *City of Bayside – Current Venues*. [www.vcgr.vic.gov.au](http://www.vcgr.vic.gov.au)

Worthington, A; Brown K; Crawford, M; and Pickernell, D (2003) *Socioeconomic and Demographic Determinants of Household Gaming in Australia*, School of Economics and Finance, Queensland University of Technology.

# Appendix **A**

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## Draft Bayside Gaming Policy 2010

### 1. Introduction

Bayside City Council recognises that there are many forms of gambling currently available to members of the community. This policy is concerned with one form of gambling, the playing of electronic gaming machines ('gaming machines').

The policy outlines Council's position in relation to:

- the location of gaming machines and venues within the City of Bayside;
- the information to be submitted to Council in relation to an application for gaming machines or a gaming venue;
- consultation with the community about gaming machines and venues.

Gambling is recognised as a lawful form of recreation for adult members of the community. However, research demonstrates that a proportion of the community is susceptible to problem gambling, which can have significant adverse impacts on the health and wellbeing of individuals, families, communities and strength of local economies.

While all forms of gambling may have adverse impacts and an array of risk factors may contribute to problem gambling, research by the Productivity Commission (2009) shows that there is a causal relationship between problem gambling and the degree to which the community has access to gambling, particularly gambling on gaming machines.

Council is also concerned to ensure that gaming venues do not compromise its strategic objectives for the economic sustainability and viability of activity centres, or undermine the amenity and character of residential areas.

In recognition of the harmful effects of gaming machine gambling on individuals and communities, amendments have been made to the *Gaming Regulation Act 2003* and the provisions within the Planning Scheme that relate to gaming.

As a result of these changes a planning permit is now required to install or use a gaming machine anywhere in the City of Bayside. This requirement does not apply to venues approved prior to the introduction of the new provisions; or in locations where gaming machines are specifically prohibited. In Bayside gaming machines are prohibited in Dendy Plaza, Brighton, and in all strip shopping centres.

These planning provisions enable local government to have a greater input into the location of gaming machines and gaming venues and the implementation of harm minimisation measures, and to give due consideration to the environmental, social and economic impacts of gaming machine gambling.

## 2. Glossary of Terms

The following key terms are used in this policy.

<b><i>Business Employment Area</i></b>	means land included in the Business 3 and Mixed Use Zones in Sandringham East and Cheltenham as shown on the map to Clause 22.05 of the <i>Bayside Planning Scheme</i> .
<b><i>Convenience gaming</i></b>	means exposure to gaming opportunities as part of day-to-day activities such that a decision to gamble may be spontaneous rather than predetermined.
<b><i>Destination gaming</i></b>	means a reconfiguration of supply towards fewer, but larger gaming venues that encourage predetermined decisions to travel and gamble and participate in a range of services and facilities. <sup>63</sup>
<b><i>Gaming</i></b>	means the playing of a gaming machine. <sup>64</sup>
<b><i>Gaming machine</i></b>	includes electronic gaming machines, poker machines or pokies. <sup>65</sup>
<b><i>Gaming premises</i></b>	means land used for gambling by gaming, and where there is the ability to receive a monetary reward. <sup>66</sup>
<b><i>Problem gambling</i></b>	means gambling in a manner that leads to adverse consequences for the gambler, others or for the community due to the money and/or time spent.
<b><i>SEIFA index</i></b>	means a measure of the relative socio-economic disadvantage in terms of a community's access to material and social resources and ability to participate in society. <sup>67</sup>
<b><i>Strip shopping centre</i></b>	means an area that meets all of the following requirements: <ul style="list-style-type: none"> <li>– it is zoned for business use;</li> <li>– it consists of at least two separate buildings on at least two separate and adjoining lots;</li> <li>– it is an area in which a significant proportion of the buildings are shops;</li> <li>– it is an area in which a significant proportion of the lots abut a road accessible to the public generally.<sup>68</sup></li> </ul>

## 3. Policy Objectives

To guide Council's decision making in relation to planning applications for gaming machines, new gaming venues, or the expansion of existing gaming venues.

<sup>63</sup> Department of Justice (2008) Destination Gaming. Evaluating the benefits for Victoria p1

<sup>64</sup> As defined by the *Gaming Regulation Act 2003*.

<sup>65</sup> As defined by the *Gaming Regulation Act 2003*.

<sup>66</sup> *Bayside Planning Scheme*, Clause 74.

<sup>67</sup> ABS Information Paper 2039.0: An introduction to Socio-Economic Indexes for Areas (SEIFA)

<sup>68</sup> *Bayside Planning Scheme*, Clause 52.28-4.

To minimise opportunities for convenience gaming and the incidence of problem gambling.

To reduce adverse health, social and economic impacts of gaming machines.

To ensure that gaming venues achieve a net community benefit.

To protect the amenity of existing uses surrounding venues containing gaming machines.

## 4. Location of Gaming Machines

### 4.1 Appropriate sites

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Gaming machines should be located on sites that are more than 800 metres from:

- An Australian Bureau of Statistics collection district that is within the most socio-economically disadvantaged 20 per cent in Victoria as defined by the SEIFA index of relative disadvantage.<sup>69</sup>
- Sensitive community facilities, including schools, kindergartens, child care centres, libraries, medical centres, churches, the offices of public and private welfare agencies and hospitals.
- A railway station or transport interchange.
- Another venue which operates gaming machines.

Gaming machines should not be located:

- In Neighbourhood Activity Centres.
- In the Bayside Business Employment Area.
- In suburbs where the density of gaming machines per 1,000 resident adults, including the proposed machines, is greater than the metropolitan Melbourne average.<sup>70</sup>

Gaming machines are prohibited in:

- Dendy Plaza, Brighton.
- All strip shopping centres within the City of Bayside.<sup>71</sup>

### 4.2 Appropriate venues

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Gaming machines should be located in venues that:

- Provide a range of social, leisure and recreational activities other than gaming as the primary purpose of the venue. Alternative non-gaming social, leisure and recreational facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.
- Incorporate effective management and mitigation measures to minimise the risk of harms associated with problem gambling.
- Have a gaming floor area less than 25 per cent of the total floor area of the venue.
- Have access to natural light and allow patron surveillance of outdoor areas.

<sup>69</sup> SEIFA data is available from the Australian Bureau of Statistics website – [www.abs.gov.au](http://www.abs.gov.au).

<sup>70</sup> The metropolitan Melbourne average gaming machine density is available from the Victorian Commission for Gaming Regulation website - [www.vcgr.vic.gov.au](http://www.vcgr.vic.gov.au).

<sup>71</sup> Refer to the list of strip shopping centres contained in the schedule to *Bayside Planning Scheme*, Clause 52.28-4 'Gaming'.

- Have clear directional signs to all non-gaming amenities, including toilets and dining areas, lounges, recreational facilities.
- Physically and visually separate the venue's non-gaming activities from gaming activities.
- Are designed so that amenities for the venue's non-gaming activities, including entrances and exits, toilets, meeting spaces and dining areas, can be accessed without entering the gaming area.
- Do not operate for more than 16 hours per day.
- Do not have automatic teller machines.

Gaming machines should not be located in venues that will have a significant adverse amenity impact on the adjoining land uses as a result of operating hours, traffic, noise, car parking, safety and security.

## 5. Applications for Gaming Machines and Gaming Venues

### 5.1 Information to be submitted with a planning permit application

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In addition to the information and material supplied with a standard planning permit application, the applicant should also provide the following information:

- A summary of the application with details of the proposed hours of operation, patron numbers, the number of staff positions (equivalent full time), proposed security measures, non-gaming facilities to be provided and the number of gaming machines to be installed.
- A report addressing:
  - How the proposal addresses the objectives and location criteria of this policy.
  - The probable social, economic, environmental and amenity impacts of the proposal.
  - Details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community.
  - Details of any existing gaming expenditure at the premises (over a three year period prior to the application) and a forecast of the anticipated expenditure at the premises if the proposal were approved.
- For applications to increase the number of gaming machines in an existing gaming premise, the report must address the above matters in relation to both the existing and proposed gaming machines.

Council will use this information to assess whether the proposal achieves a net community benefit.

Further details about the information and analysis to be provided in the report are outlined in [clause 5.2](#) below.

### 5.2 Social, economic and environmental impact assessment

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In respect to probable the social and economic impacts arising from an application, Council will take into account the material provided by the applicant, which should include social research that specifically addresses the following:

- The specific and overall incremental social and economic impacts.
- The immediate and longer-term social and economic impacts.
- The direct and indirect social and economic impacts.

- Projected changes in per capita gaming expenditure, gaming machine density and gaming premises density resulting from the proposal.
- Social and economic indicators of residents living within 2km of the proposed premises. These indicators include:  
The Socio Economic Index for Areas, the Index of Relative Disadvantage and the Index of Economic Resources.  
Household and family composition.  
Proportion of households experiencing rental and mortgage stress.  
Location of public housing  
Proportion of residents receiving income support.  
Retained retail spending.  
Proximity of the proposed premises to areas of disadvantage.
- Location aspects of the premises in terms of the accessibility of gaming opportunities.
- Measures that have been proposed by the applicant to restrict the access of minors to the gaming area.
- Responsible gaming measures proposed by the applicant.
- Design measures to minimise exposure to gaming facilities by other patrons of the venue.
- Non-gaming activities, facilities and opportunities at the premises.
- The amount of gaming revenue proposed by the applicant to be provided for the benefit of community in the City of Bayside (such as through sponsorships and donations), and the procedures by and purposes to which these monies will be allocated.
- The management structure of a gaming premises, including the costs and terms of lease and any management fees, and the effects of such on the amount of revenue available for direct community benefit.
- Any other relevant probable social and economic impacts on the local and wider communities.

## 6. Community Consultation and Response

Council will consult with the community about applications for gaming machines and venues, and about gambling generally, in accordance with the *Community Engagement Framework 2009*.

Council will continue to encourage community participation in the identification and evaluation of the individual and community impacts from gaming activities. Council will actively consult with the community and other key stakeholders on any substantial changes to Council's policy position in respect to gaming machines and gaming premises.

## 7. References

The following documents and data sources provide further information about gaming machines, gambling, and the Bayside community.

Australian Bureau of Statistics Census of Population and Housing ([www.abs.gov.au](http://www.abs.gov.au))

Australian Bureau of Statistics Social and Economic Indexes for Areas ([www.abs.gov.au](http://www.abs.gov.au))

*Bayside Gaming Policy: Review and Implementation Report (2010)*

*Bayside Planning Scheme* ([www.dse.vic.gov.au/PlanningSchemes/bayside/home](http://www.dse.vic.gov.au/PlanningSchemes/bayside/home))

Community profiles for Bayside  
([www.bayside.vic.gov.au/know\\_your\\_community\\_community\\_profile](http://www.bayside.vic.gov.au/know_your_community_community_profile))

*Gaming Regulation Act 2003* (Vic)

*Liquor Control Reform Act 1988* (Vic)

*Planning and Environment Act 1987* (Vic)

Victorian Commission for Gambling Regulation ([www.vcgr.vic.gov.au](http://www.vcgr.vic.gov.au))

## Appendix **B**

### Draft Bayside Gaming Local Policy

#### **22.12 GAMING POLICY**

--1-120--

This policy applies to all applications to install or use a gaming machine or use land for the purpose of a Gaming premises.

#### **22.12-1 Policy Basis**

Gaming machine gambling is a legal form of recreation for adult members of the community. However, research demonstrates that a proportion of the community is susceptible to problem gambling, which can have significant adverse impacts on the health and wellbeing of individuals, families, communities and strength of local economies.

While all forms of gambling may have adverse impacts and an array of risk factors may contribute to problem gambling, research shows that there is a relationship between problem gambling and the degree to which the community has access to gambling, particularly gambling on gaming machines.

Council is also concerned to ensure that gaming venues do not compromise its strategic objectives for the economic sustainability and viability of activity centres, or undermine the amenity and character of residential areas.

#### **22.12-2 Objectives**

To minimise opportunities for convenience gaming and the incidence of problem gambling.

To reduce adverse health, social and economic impacts of gaming machines.

To ensure that gaming venues achieve a net community benefit.

To protect the amenity of existing uses surrounding venues containing gaming machines.

#### **22.12-3 Policy**

It is policy to ensure that proposals for gaming machines and gaming venues deliver a net community benefit.

It is policy that proposals for gaming machines and gaming venues are comply with the following criteria:

#### **Appropriate sites**

Gaming machines should be located on sites that are more than 800 metres from:

- An Australian Bureau of Statistics collection district that is within the most socio-economically disadvantaged 20 per cent in Victoria as defined by the SEIFA index of relative disadvantage.
- Sensitive community facilities, including schools, kindergartens, child care centres, libraries, medical centres, churches, the offices of public and private welfare agencies and hospitals.
- A railway station or transport interchange.
- Another venue which operates gaming machines.

Gaming machines should not be located:

- In Neighbourhood Activity Centres.
- In the Bayside Business Employment Area.
- In suburbs where density of gaming machines per 1,000 resident adults, including the proposed machines, is greater than the metropolitan Melbourne average.

### Appropriate venues

Gaming machines should be located in venues that:

- Provide a range of social, leisure and recreational activities other than gaming as the primary purpose of the venue. Alternative non-gaming social, leisure and recreational facilities include hotels, clubs, cinemas, restaurants, bars and indoor recreation facilities operating at the same times as the proposed gaming venue will operate.
- Incorporate effective management and mitigation measures to minimise the risk of harms associated with problem gambling.
- Have a gaming floor area less than 25 per cent of the total floor area of the venue.
- Have access to natural light and allow patron surveillance of outdoor areas.
- Have clear directional signs to all non-gaming amenities, including toilets and dining areas, lounges, recreational facilities.
- Physically and visually separate the venue's non-gaming activities from gaming activities.
- Are designed so that amenities for the venue's non-gaming activities, including entrances and exits, toilets, meeting spaces and dining areas, can be accessed without entering the gaming area.
- Do not operate for more than 16 hours per day.
- Do not have automatic teller machines.

Gaming machines should not be located in venues that will have a significant adverse amenity impact on the adjoining land uses as a result of operating hours, traffic, noise, car parking, safety and security.

## 22.12-4 Application Requirements

It is policy that an application for the installation or use of gaming machines or the use of land for a gaming premises, be accompanied by the following information:

- A summary of the application with details of:
  - the proposed hours of operation;
  - patron numbers;
  - the number of staff positions (equivalent full time);
  - proposed security measures;
  - non-gaming facilities to be provided; and
  - the number of gaming machines to be installed.
- A report addressing:
  - How the proposal addresses the objectives and location criteria of this policy.
  - The probable social, economic, environmental and amenity impacts of the proposal.
  - Details of the nature and extent of community benefits expected from the proposal and how the benefits are to be secured and distributed to the local community.
  - Details of any existing gaming expenditure at the premises (over a three year period prior to the application) and a forecast of the anticipated expenditure at the premises if the proposal were approved.

For applications to increase to the number of gaming machines in an existing gaming premise, the report must address these matters in relation to both the existing and proposed gaming machines.

### **22.12-5 Decision Guidelines**

Before deciding on an application, in addition to the decision guidelines of Clause 52.28-6 'Gaming' and Clause 65, the responsible authority will consider, as appropriate:

- The specific and overall incremental social and economic impacts.
- The immediate and longer-term social and economic impacts.
- The direct and indirect social and economic impacts.
- Projected changes in per capita gaming expenditure, gaming machine density and gaming premises density resulting from the proposal.
- Social and economic indicators of residents living within 2km of the proposed premises. These indicators include:
  - The Socio Economic Index for Areas, the Index of Relative Disadvantage and the Index of Economic Resources.
  - Household and family composition.
  - Proportion of households experiencing rental and mortgage stress.
  - Location of public housing
  - Proportion of residents receiving income support.
  - Retained retail spending.
  - Proximity of the proposed premises to areas of disadvantage.
- Location aspects of the premises in terms of the accessibility of gaming opportunities.
- Measures that have been proposed by the applicant to restrict the access of minors to the gaming area.
- Responsible gaming measures proposed by the applicant.
- Design measures to minimise exposure to gaming facilities by other patrons of the venue.
- Non-gaming activities, facilities and opportunities at the premises.
- The amount of gaming revenue proposed by the applicant to be provided for the benefit of community in the City of Bayside (such as through sponsorships and donations), and the procedures by and purposes to which these moneys will be allocated.
- The management structure of a gaming premises, including the costs and terms of lease and any management fees, and the effects of such on the amount of revenue available for direct community benefit.
- Any other relevant probable social and economic impacts on the local and wider communities.

### **22.12-6 References**

Bayside Gaming Policy 2010

Bayside Gaming Policy: Review and Implementation Report 2010